

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83366

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
MAY 22 2019

Department of Water Resources

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.

Name of Applicant(s) Ferrarone Family Living Trust

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.
- ☐ ☒ #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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Ferrarone Family Living Trust Phone _____
Mailing address 8 Ryan Ave, Mill Valley, California, 94941 Email _____

- ☐ 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**.

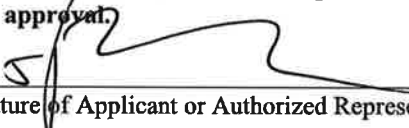
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc. Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ 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.

 J. Ferrarone 5.20.19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other C/O
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
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**.
See attached narrative Part 1A.3.

Narrative to Support Applications*Ferrarone Family Living Trust*

Application for Permit

Application for Transfer of Water Right 22-10762

Application for Transfer of a Portion of Water Right 22-14026

The Ferrarone Family Living Trust owns property located in Sections 32 and 33, T5N R45E, west of Driggs, Idaho about ½ mile east of the Teton River. The property currently has water rights for irrigation and wildlife storage. Water right 22-10762 is for diversion of water from Woods Creek for the irrigation of 16.4 acres and the fill and maintenance of two wildlife ponds. Applicant has also contracted to purchase 10.0 acres of ground water right 22-14026.

Other rights on the property that are not relevant to these applications include 22-14162 and 22-14163, which provide water from an Unnamed Stream and Woods Creek to a recreation pond.

Applicant proposes to enlarge the two wildlife ponds using a combination of water rights applications as described in this narrative. This narrative will also serve to supply information necessary to satisfy Attachment #8a of the transfer applications.

Pond Requirements

The final sizes of the ponds, including the pre-existing areas, have been designed as shown in Table 1. Total pond surface area between the two ponds is 17.7 acres with a final proposed volume of 31.6 acre-feet.

Table 1. Designed Pond Sizes

Pond Size	Final Surface Area (ac)	Final Volume (AF)
East Pond	4	6.3
West Pond	13.7	25.3

Water right 22-10762 already provides some of the needs of the existing ponds, including a surface area of 7.6 acres and 28.2 AFA (15.1 AFA for pond fill and 13.1 AFA for evaporation). The enlargement of the ponds then will require pond fill for an additional 16.5 AFA and evaporation of an additional 10.1 acres of surface area. Table 2 shows an overview of the quantities addressed in the applications.

Table 2. Pond Requirements for Applications

Ponds Measurement	Final Ponds	Existing Authorized 22-10762	Expansion
Surface Area (ac)	17.7	7.6	10.1
Fill Volume (AF)	31.6	15.1	16.5
Evaporation	28.1	13.1	15

Total evaporative losses of a 17.7 acre pond was calculated to be 28.1 AFA using the IDWR Pond Loss Calculation Spreadsheet. This value is based upon the precipitation deficit of Open Water – Shallow Systems, Driggs (NWS-USC00102676), from ET Idaho 2017, with removal of negative values. Figure 1 includes a copy of the Evaporation Loss Calculations from the IDWR Pond Loss Calculation spreadsheet. The existing water right already authorizes 13.1 AFA for evaporative losses, therefore, an additional 15 AFA of consumption needs to be addressed.

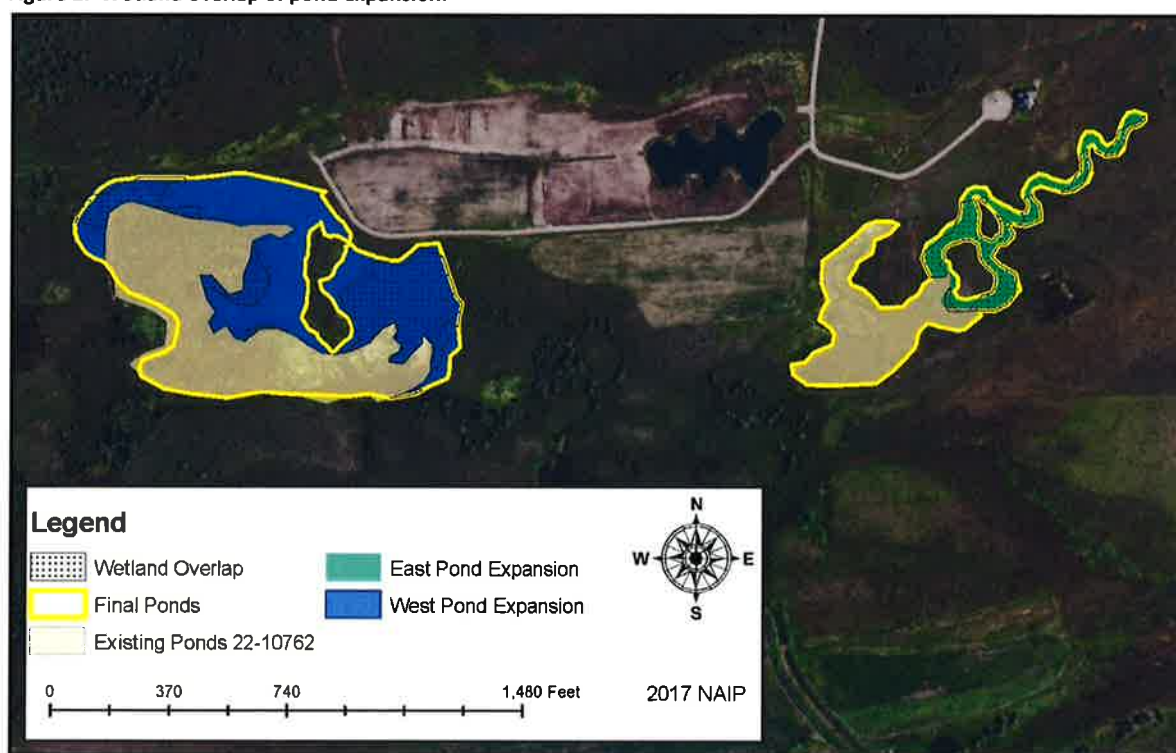
Application for Permit

This application proposes to obtain authorization only for the impoundment of an additional amount of 16.5 AF of water.

Existing land cover at the pond expansion location includes 4.1 acres of delineated wetlands as shown in Figure 2 below. ET Idaho 2017, at the Driggs station, shows that the precipitation deficit of Wetlands – Large Stands is 448 mm/year, or 1.47 AF. The existing consumption of the footprint of the expanded ponds is 6.0 AFA.

$$4.1 \text{ ac} \times 1.47 \text{ AFA} = 6.0 \text{ AFA Wetland Consumption}$$

Figure 2. Wetland overlap of pond expansion.



The increase in consumptive use at the expanded pond location will be 9.0 AFA, the difference between the calculated pond evaporative losses and the current wetland consumption.

$$15.0 \text{ AFA} - 6.0 \text{ AFA} = 9.0 \text{ AFA Increase in Consumptive Use}$$

This Application for Permit does not seek to obtain a consumptive use right. The consumptive component will be mitigated through existing water right 22-10762 and a purchase of a portion of ground water right 22-14026 addressed in the sections below.

It is anticipated that the ponds will fill naturally from ground water due to the locally high water table. The existing ponds do not change water levels once water contributions cease.

The first time fill of the expanded ponds will require 16.5 AF of volume. Although the ponds will fill naturally from ground water, the volume will be mitigated by temporary non-use of the remaining transferred portion of water right 22-14026 that was not required for evaporative losses of the pond. The exact amount of acres required for non-use is determined based on the historical consumptive use of "alfalfa-less frequent cuttings," the historical crop irrigated by water right 22-14206. ET Idaho 2017 (Allen and Robison 2017), using the Driggs (NWS -- USC00102676) station, shows that alfalfa-less frequent cuttings has a net irrigation requirement of 617 mm/yr, or 2.02 ft/yr. (A copy of all ET Idaho 2017 values used in this report are included in Figure 3.) To obtain 16.5 AF for pond fill, it would require non-use of 8.2 acres for one year.

$$16.5 \text{ AF} / 2.02 \text{ ft/yr} = 8.2 \text{ acres}$$

The portion of 22-14026 that is proposed to be transferred to the property only includes 5.6 acres of irrigation. Therefore, it is proposed to leave this amount unused for the first season to mitigate for a portion of the first-time fill. The remaining 2.6 acres will be obtained through a 1-year rental of ground water rights from the Water Supply Bank. The application to rent water will be submitted when a schedule is determined for excavation.

Application for Transfer of Water Right 22-10762

For the purposes of maintenance, both for evaporation and to assist with keeping the pond water fresh, it is proposed to convert a portion of water right 22-10762 to storage. As explained above, the increase in consumptive use resulting from the pond expansion is calculated to be 9.0 AFA.

Current land cover irrigated by water right 22-10762 is Alfalfa—Less Frequent Cuttings. According to ET Idaho 2017, using the Driggs (NWS-USC00102676) station, Alfalfa—Less Frequent Cuttings has a net irrigation requirement of 617 mm/year, or 2.02 ft/year. It will require 4.4 acres of irrigated alfalfa to provide the necessary volume of 9.0 AFA as determined in the following calculation:

$$9.0 \text{ AFA} / 2.02 \text{ ft/yr} = 4.4 \text{ ac}$$

The location of the 4.4 acres to be retired are designated on Attachment #7b of the Application for Transfer of Water Right No. 22-10762. This transfer will result in an increase in quantities for the existing wildlife storage components and a decrease in the total irrigation quantities under this right. Table 3 provides a summary of the proposed changes for this water right.

Table 3. Proposed Changes to Water Right 22-10762

Nature of Use	Existing	Changes	Proposed
Irrigation			
ac	16.4	-4.4	12
cfs	0.27	-0.7	0.2
Storage			
AFA	28.2	9	37.2
cfs	0.23	0.7	0.3

Application for Transfer of Water Right 22-14206

Water right 22-10762, the existing surface water right appurtenant to the property, has a priority date of April 15, 1970. Under administration, this right will not be available during the peak of the irrigation season when temperatures rise because of its junior priority date. Therefore, additional water rights will be needed in an attempt to provide adequate maintenance for the ponds. Applicant is contracted to purchase 10.0 acres of water right 22-14206, a primary ground water right. The contracted portion of this water right is proposed to be transferred to the applicant's property for the purposes of additional irrigation and pond maintenance.

On a draught year when the surface right 22-10762 is curtailed early, ground water may be required to maintain the ponds for nearly the whole season. To ensure that adequate water is available during a worst-case scenario, the full evaporation of the ponds described in the previous section is considered for conversion of the ground water right. Consumptive use requirements are 9.0 AFA. Historical irrigation under 22-14026, described above, indicates a consumptive use value of 2.02 ft/yr. A total of 4.4 acres are required to provide the necessary volume to maintain the pond.

$$9.0 \text{ AFA} / 2.02 \text{ ft/yr} = 4.4 \text{ acres}$$

The remaining purchased acres will be used for irrigation of 5.6 acres on the property, within a larger Permissible Place of Use, as identified in Attachment #7a of the transfer application. A summary of the proposed changes for right 22-14026 is shown in Table 4.

Table 4. Proposed Changes to Water Right 22-14026

Nature of Use	cfs	ac	AFA
Irrigation	0.07	5.6	16.7
Diversion to Storage	0.05	-	-
Wildlife Storage	-	-	9.0

Summary

The final ponds, including the existing and the proposed expansion, will have a total surface area of 17.7 acres and a total volume of 31.6 AF. The storage component of the ponds is proposed to be provided through an Application for Permit for a new water right. Existing water right 22-10762 provides a portion of the water rights required for fill and maintenance of ponds. The additional water required to maintain the ponds is proposed to be provided through two water rights: existing surface right 22-10762 and the purchased ground water right 22-14026. In effect, there will be redundant water rights for maintenance of the ponds, helping to provide sufficient water for evaporation and water for pond refresh, when available. Excess water will spill from the pond into a pond outlet that will flow to the creek. A summary of the proposed applications is shown in Table 5 below.

It is anticipated that total use of the water rights combined for pond use will not exceed those values listed in Table 2 as the final pond requirements.

First time fill of an additional 16.5 AF is proposed to be provided through a single-season non-use of a portion of the transferred water right 22-14026 with the remaining being provided through a Water Supply Bank rental of 2.6 acres.

Table 5. Summary of Proposed Applications

Nature of Use	Application for Permit	App. For Trans. 22-10762	App. For Trans. 22-14026
Wildlife Storage			
Existing (AFA)		28.2	
Additional Pond Fill (AFA)	16.5		
Additional Pond Evap (AFA)		9	9
Total (AFA)	16.5	37.2	9
Diversion to Storage			
Existing (cfs)		0.23	
Proposed (cfs)		0.7	0.05
Final (cfs)		0.3	0.05
Irrigation			
Remaining (ac)		12	5.6
Retired (ac)		4.4	4.4

At this location, there are challenges in reconciling projected land survey boundaries in GIS mapping. In particular, the BLM Public Land Survey lines do not appear to be accurate and appear to have a displacement at this property of up to 112 feet to the east. This creates a discrepancy in the legal description of the displayed parcels. Section lines from Teton County GIS Mapping appear to be more correct for they seem to correspond to the displayed property

lines and existing fence lines. For the purposes of these applications, the transferred water rights will be referred to as pertaining only to the applicant's property in the SWNE, SENE of Section 32 and NWNW, SWNW of Section 33, T5N R45E.

References

Allen, Richard G. and Clarence W. Robison, 2017. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2017, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

Figure 1. Evaporation Loss Calculation, an excerpt from the IDWR Pond Loss Calculation Spreadsheet

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER: **18-0158**

REVIEWER: **Kristin Moore**

DATE: **4/17/2019**

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

User Input

Calculated value

Formula Explanations

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water- Shallow Systems (ponds, streams)" or "Open Water- small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Paste Values from ET Idaho

Print Page to PDF

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Driggs (NWS -- 102676)

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.58	31	0.00
Feb	-0.06	28	0.00
March	0.48	31	14.88
April	1.27	30	38.10
May	1.70	31	52.70
June	3.19	30	95.70
July	3.30	31	102.30
August	3.10	31	96.10
September	2.05	30	61.50
October	0.71	31	22.01
November	-0.29	30	0.00
December	-0.76	31	0.00

Total mm/year = **483.29**

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Evaporation Loss Calculation:

$$\left(\frac{483.29}{304.8} \right) \times 17.70 = 28.1 \text{ AFA}$$

**Figure 2. ET_{Idaho} 2017 -- Evapotranspiration and Consumptive Irrigation
Water Requirements for Idaho
Driggs (NWS-USC00102676)**

Alfalfa - less frequent cuttings															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season	Non Growing Season	Annual
Mean ^f	mm/day												mm		
Mont	-0.34	-0.04	0.05	0.09	1.88	5.74	4.51	5.06	2.37	0.28	-0.38	-0.58	617	-45	571
15-	-0.37	-0.08	0.1	-0.02	1.9	5.72	4.25	5.16	2.13	0.41	-0.38	-0.55			
7-Day	-0.35	-0.06	0.08	0.02	1.86	5.7	4.37	5.12	2.22	0.35	-0.4	-0.54			
3-Day	-0.34	-0.04	0.05	0.07	1.87	5.72	4.47	5.07	2.31	0.27	-0.38	-0.56			

Open water - shallow systems (ponds/streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season	Non Growing Season	Annual
Mean ^f	mm/day												mm		
Mont	-0.58	-0.06	0.48	1.27	1.7	3.19	3.3	3.1	2.05	0.71	-0.29	-0.76	432	0	432
15-	-0.63	-0.16	0.59	1.25	1.77	3.17	3.27	3.06	1.93	0.79	-0.27	-0.74			
7-Day	-0.61	-0.13	0.55	1.24	1.71	3.14	3.26	3.08	1.98	0.77	-0.3	-0.72			
3-Day	-0.59	-0.08	0.48	1.27	1.7	3.17	3.29	3.1	2.02	0.71	-0.29	-0.73			

Wetlands - large stands															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season	Non Growing Season	Annual
Mean ^f	mm/day												mm		
Mont	-0.71	-0.32	-0.18	-0.06	-0.26	1.43	4.65	5.77	1.83	-0.34	-0.62	-0.85	448	-100	319
15-	-0.76	-0.38	-0.09	-0.13	-0.27	1.38	4.67	5.83	1.59	-0.22	-0.63	-0.81			
7-Day	-0.74	-0.36	-0.13	-0.1	-0.3	1.37	4.65	5.81	1.67	-0.26	-0.64	-0.8			
3-Day	-0.72	-0.32	-0.18	-0.07	-0.27	1.4	4.65	5.78	1.77	-0.34	-0.62	-0.8			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	22-10762	0.20 cfs	Irrigation	4/15 to 10/31	Woods Creek & Teton Rv
☐ ☐		0.30 cfs	Diversion to Storage	4/15 to 10/31	
☐ ☐		37.2 afa	Wildlife Storage	1/01 to 12/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.5 cfs and/or 37.2 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or 9.0 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	
5N	45E	32			2.5	9.5													12
					W	W													
		33							W										
Total Acres (for irrigation use)																			12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**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 open ditch from Woods Creek delivers water to the property for irrigation and existing ponds. The diversion system will not change. A measuring device is already installed at the headgate of the ditch.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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:

4.4 acres irrigated by water right 22-10762 will no longer be irrigated through surface water. A companion transfer will move a portion of ground water right 22-14026 that will provide water rights for the acres retired from surface water.

- 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:

A new application for permit has been submitted for expanded storage. A companion transfer application for a portion of 22-14026 will provide supplemental maintenance of the ponds. No other water rights appurtenant to the ponds.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO Department of Water Resources



WATER RIGHT REPORT

4/8/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-10762

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WOODS CREEK 2 LLC 3953 MAPLE AVE STE 290 DALLAS, TX 75219 2146975695

Priority Date: 04/15/1970

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.27 CFS	
WILDLIFE STORAGE	1 / 1	12/31		28.2 AFA
DIVERSION TO STORAGE	04/15	10/31	0.23 CFS	
Total Diversion			0.5 CFS	

Location of Point(s) of Diversion:

WOODS CREEK|NESWNW|Sec. 33|Township 05N|Range 45E|TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON 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>
05N	45E	32		SWNE	2.5		SENE	13.9						

Place of Use Legal Description: WILDLIFE STORAGE TETON 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>
05N	45E	32		SWNE			SENE							

33

SWNW

Total Acres: 16.4

Conditions of Approval:

1. 220 The ponds established by the storage of water under this right shall not exceed a total capacity of 15.1 acre-feet or a total surface area of 7.6 acres.
2. 259 Right 22-10762 authorizes the storage of an annual total of 28.2 acre-feet: 15.1 acre-feet to be used for the initial filling or carryover storage of the ponds, and 13.1 acre-feet for the replacement of losses due to evaporation.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

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:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

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

83366

Instrument # 247691

TETON COUNTY, IDAHO

10-06-2017 10:59:00 No. of Pages: 2

Recorded for: ALLIANCE TITLE - DRIGGS OFFICE

MARY LOU HANSEN Fee: \$15.00

Ex-Officio Recorder Deputy, Mary Lou Hansen

Index to: DEED, WARRANTY

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:364846

FOR VALUE RECEIVED**Woods Creek 2, LLC**

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

John B Ferrarone and Casey Ferrarone, Trustees of the Ferrarone Family Living Trust, dated February 4, 2015

whose current address is

**8 Ryan Avenue
Mill Valley, CA 94941**

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Parcel 1**The West half of the Northwest Quarter of Section 33, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:****Beginning at the Southwest corner of said Section 33, thence North 01°10'34" West 2578.10 feet along West line of Section 33 to a point; thence South 89°51'43" East 1325.29 feet to a point; thence South 01°04'19" East 2575.27 feet to a point; thence North 89°58'50" West 1320.54 feet to the Point of Beginning.****Less:****Commencing at the Northwest corner of Section 33, Township 5 North, Range 45 East, Boise Meridian, which point is also approximately the center line Station 751+85.0 of the County Secondary Road Project S-6820 (3), and running thence South 89°53' East 1338.0 feet; thence South 0°7' West 35.0 feet; thence North 89°53' West 1338.0 feet; thence North 0°7' East 35.0 feet more or less to the Point of Beginning.****Excepting therefrom the existing road right of way****Parcel 2****The South half of the Northeast Quarter of Section 32, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:****Beginning at the Southwest corner of Section 33, thence North 89°36'03" West 2633.69 feet to the center Quarter corner Section 32; thence North 01°10'00" West 1314.42 feet to a point; thence South 89°41'02" East 2633.37 feet to a point; thence South 01°10'34" East 1318.25 feet to the Point of Beginning.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

247691

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 29, 2017

Woods Creek 2, LLC

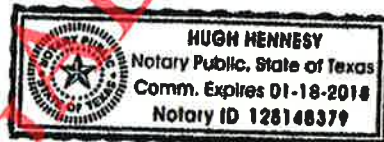
Jay Ellis
Jay Ellis, Managing Member

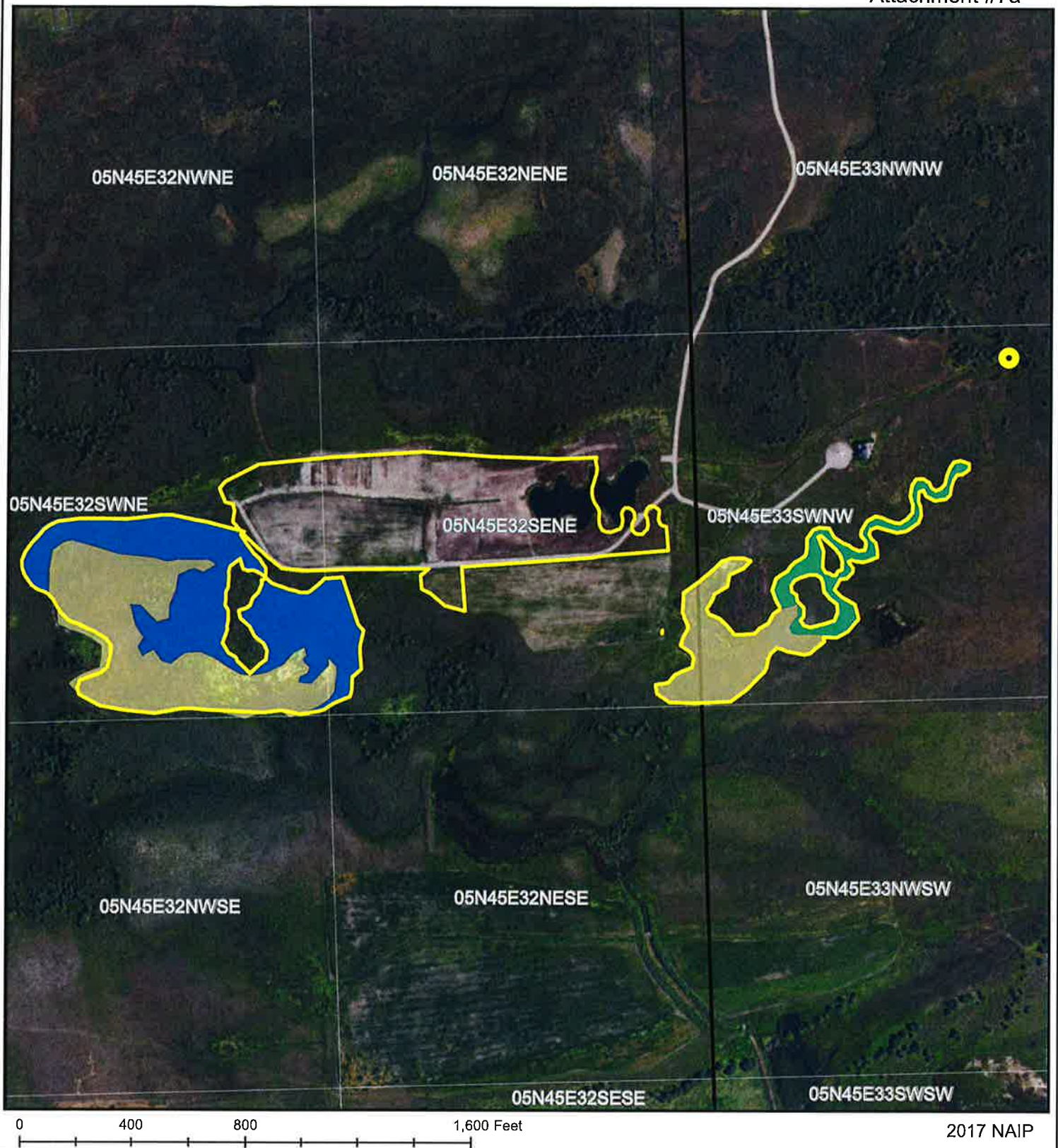
State of Texas) ss
County of Dallas)

On this 2nd day of October, 2017, before me, Hugh Hennessey, a Notary Public in and for said state, personally appeared Jay Ellis known or identified to me to be the Managing Member in the Limited Liability Company known as Woods Creek 2, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

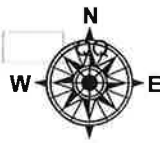
Hugh Hennessey
Notary Public for the State of Texas
Residing at: Dallas, Texas
Commission Expires: January 18, 2018





Legend

- Proposed POU
- Existing Ponds
- West Pond Expansion
- Twp & Rng
- East Pond Expansion
- Section



App for Transfer 22-10762
Ferrarone Family Living Trust

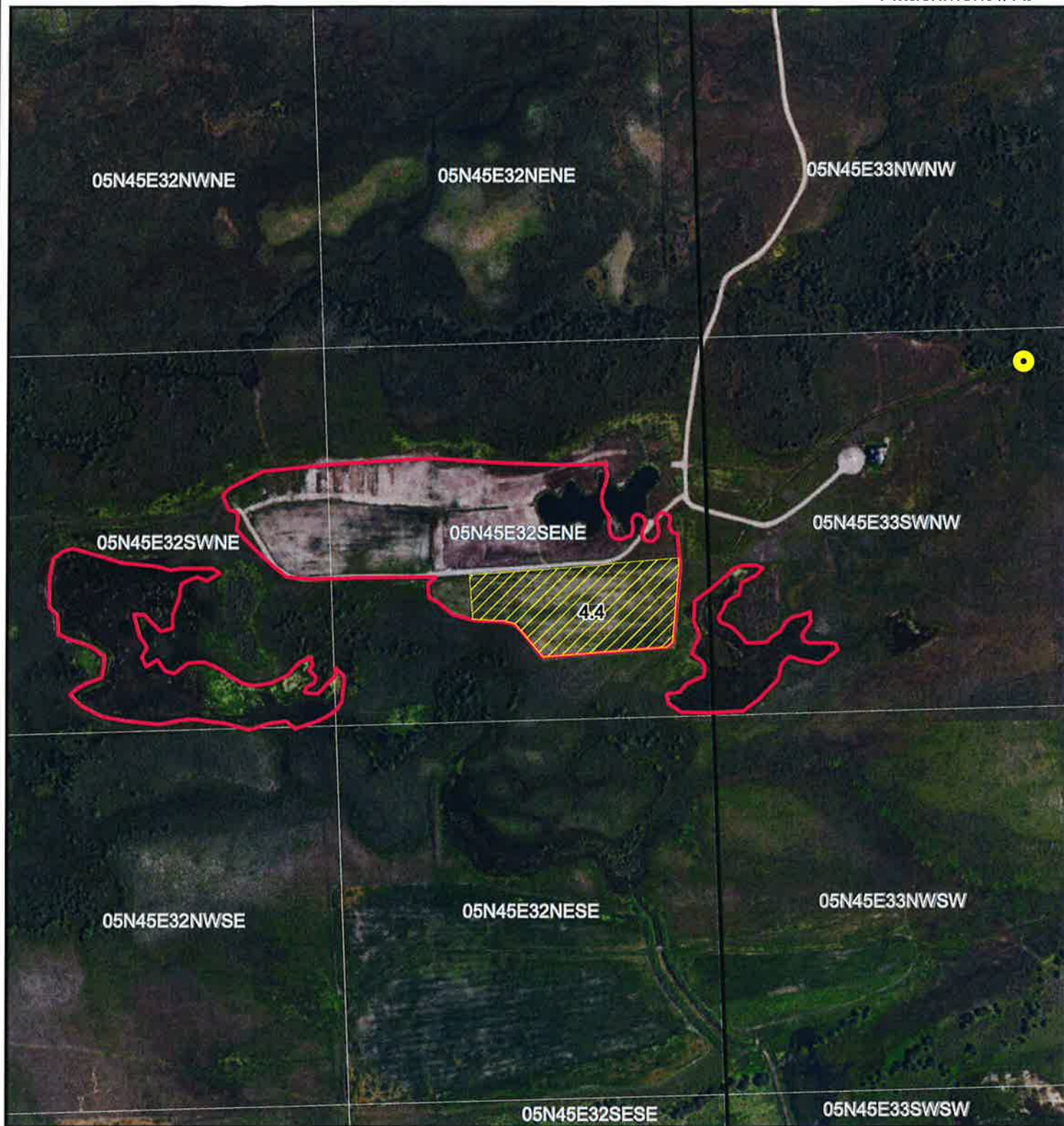
RMEA #18-0158

by: KM

Date: 4/17/2019



883366

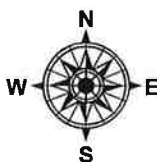


0 400 800 1,600 Feet

2017 NAIP

Legend

-  Retired Acres
-  WRPOU 22-10762
-  Twp & Rng
-  Section
-  QQ



App for Transfer 22-10762

Ferrarone Family Living Trust

RMEA #18-0158

by: KM

Date: 4/17/2019



33366



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

RECEIVED
MAY 22 2019
Department of Water Resources
Eastern Region

May 22, 2019

RMEA 18-0158

Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83404

Re: New applications for the Ferrarone Family Living Trust

Dear Agent,

Please find enclosed three applications and a check in the amount of \$1,425 for filing fees as described below:

Application for Permit	\$500
Application for Transfer of 22-14026	\$200
Change in Nature of Use	\$250
Application for Transfer of 22-10762	\$200
Change in Nature of Use	\$250
Change in Ownership	\$25
	<u>\$1,425</u>

Please contact our office with any questions regarding these applications.

Thank you,

Kristin Moore
Senior Water Rights Analyst

Enclosures: Application for Permit
 Application for Transfer of 22-14026
 Application for Transfer of 22-10762
 Check #20402