

Holliday, Michael

From: Holliday, Michael
Sent: Friday, December 14, 2018 4:19 PM
To: 'Kristin Moore'; iracea300m@hotmail.com; 'Jerry Rigby'; 'Zander Strong'; 'Aaron Dalling'; 'williamboydmoulton@gmail.com'; Jerry Rigby RAR; 'n5ranch2@hotmail.com'
Subject: Teton Partners draft transfer approval
Attachments: 82657 draft transfer_20181214181030.pdf; 82657 withdraw form_20181214180902.pdf

Dear Applicant, Protestants, and Representatives,

At the recent status conference we agreed that IDWR would prepare a draft transfer approval for all to review. It is attached. The draft approval includes conditions regarding administration of the transferred water rights at the new point of diversion on South Leigh Creek. Feel free to contact me if you have any questions or concerns regarding the draft transfer approval.

I have also attached a withdrawal of protest form for the benefit of the protestants. If your issues of protest have been resolved in the draft transfer approval, please let IDWR know this in writing. In your response please refer specifically to the draft transfer 82657 approval document dated December 14, 2018.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82657

This is to certify that: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-13176	WR/DECREED	5/15/1897	0.600 cfs	N/A	140.0	206.0	SOUTH LEIGH CREEK
22-161	WR/DECREED	6/1/1901	2.000 cfs	N/A	100.0	206.0	SOUTH LEIGH CREEK
22-347B	WR/DECREED	6/1/1901	0.200 cfs	N/A	140.0	206.0	SOUTH LEIGH CREEK
22-348B	WR/DECREED	6/1/1902	0.600 cfs	N/A	140.0	206.0	SOUTH LEIGH CREEK
22-349B	WR/DECREED	6/1/1903	0.400 cfs	N/A	140.0	206.0	SOUTH LEIGH CREEK
22-583B	WR/DECREED	6/1/1899	1.000 cfs	N/A	140.0	206.0	SOUTH LEIGH CREEK
22-610	WR/DECREED	1/22/1916	4.800 cfs	N/A	N/A	206.0	SOUTH LEIGH CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13176	NO	NO	YES	YES	YES	YES
22-161	NO	NO	YES	YES	YES	YES
22-347B	NO	NO	YES	YES	YES	YES
22-348B	NO	NO	YES	YES	YES	YES
22-349B	NO	NO	YES	YES	YES	YES
22-583B	NO	NO	YES	YES	YES	YES
22-610	NO	NO	YES	YES	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-13176	22-13176	0.600 cfs	N/A	135.6	199.5	N/A	N/A	N/A	N/A	N/A
22-161	22-161	2.000 cfs	N/A	96.8	199.5	N/A	N/A	N/A	N/A	N/A
22-347B	22-347B	0.200 cfs	N/A	135.6	199.5	N/A	N/A	N/A	N/A	N/A
22-348B	22-348B	0.600 cfs	N/A	135.6	199.5	N/A	N/A	N/A	N/A	N/A
22-349B	22-349B	0.400 cfs	N/A	135.6	199.5	N/A	N/A	N/A	N/A	N/A
22-583B	22-583B	1.000 cfs	N/A	135.6	199.5	N/A	N/A	N/A	N/A	N/A
22-610	22-610	4.800 cfs	N/A	N/A	199.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.600 cfs		199.5	199.5		N/A	N/A	N/A	N/A

Transfer No. 82657

14/12/2018

DRAFT

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82657

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this _____ day of _____, _____.

Chief, Water Allocation Bureau

Transfer No. 82657

14/12/2018

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WATER RIGHT NO. 22-583B**As Modified by Transfer No. 82657**

In accordance with the approval of Transfer No. 82657, Water Right No. 22-583B is now described as follows:

Right Holder: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

Priority Date: 6/1/1899

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.970 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.030 cfs	
FIRE PROTECTION STORAGE	01/01	to 12/31		1.1 af
AESTHETIC STORAGE	01/01	to 12/31		8.1 af
			1.000 cfs	

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK NESE Sec 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK L3 (NENWSE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	31													21.2			35.8	57.0
06N	46E	32									36.4	31.0	37.3	37.8					142.5

Right Acre Limit: 135.6

POU Total Acres: 199.5

Transfer No. 82657

WATER RIGHT NO. 22-583B
As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

1. The water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights when water is diverted at the secondary point of diversion (located at NESE Sec 31 T6N 46E).
2. The water rights described in Transfer No. 82657 may only be diverted from the secondary point of diversion (located at NESE Sec 31 T6N 46E) when the Hog Canal headgate on South Leigh Creek is shut.
3. This right is limited to the irrigation of 135.6 acres within the authorized place of use in a single irrigation season.
4. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 when combined shall not exceed the irrigation of 199.5 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 authorize total annual storage volume of 13.5 acre-feet, 10.7 acre-feet to be used for the initial filling of the ponds and 2.8 acre-feet for the replacement of losses caused by evaporation.
7. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.7 acre-feet or a total surface area of 1.7 acres.
8. Use of water under this right may 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. 1.
9. 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).
10. The primary point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
11. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
12. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-583B
As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-161**As Modified by Transfer No. 82657**

In accordance with the approval of Transfer No. 82657, Water Right No. 22-161 is now described as follows:

Right Holder: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

Priority Date: 6/2/1901

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	1.940 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.060 cfs	
FIRE PROTECTION STORAGE	01/01	to 12/31		0.8 af
AESTHETIC STORAGE	01/01	to 12/31		5.8 af
			2.000 cfs	

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK NESE Sec 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK L3 (NENWSE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: FIRE PROTECTION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	31													21.2			35.8	57.0
06N	46E	32									36.4	31.0	37.3	37.8					142.5

Right Acre Limit: 96.8

POU Total Acres: 199.5

Transfer No. 82657

WATER RIGHT NO. 22-161
As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

1. The water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights when water is diverted at the secondary point of diversion (located at NESE Sec 31 T6N 46E).
2. The water rights described in Transfer No. 82657 may only be diverted from the secondary point of diversion (located at NESE Sec 31 T6N 46E) when the Hog Canal headgate on South Leigh Creek is shut.
3. This right is limited to the irrigation of 96.8 acres within the authorized place of use in a single irrigation season.
4. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 when combined shall not exceed the irrigation of 199.5 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 authorize total annual storage volume of 13.5 acre-feet, 10.7 acre-feet to be used for the initial filling of the ponds and 2.8 acre-feet for the replacement of losses caused by evaporation.
7. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.7 acre-feet or a total surface area of 1.7 acres.
8. Use of water under this right may 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. 1.
9. 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).
10. The primary point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
11. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
12. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-161

As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-610**As Modified by Transfer No. 82657**

In accordance with the approval of Transfer No. 82657, Water Right No. 22-610 is now described as follows:

Right Holder: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

Priority Date: 1/22/1916

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/31	4.650 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.150 cfs	
FIRE PROTECTION STORAGE	01/01	to 12/31		1.6 af
AESTHETIC STORAGE	01/01	to 12/31		11.9 af
			4.800 cfs	

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK NESE Sec 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK L3 (NENWSE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: FIRE PROTECTION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	31													21.2				57.0
06N	46E	32									36.4	31.0	37.3	37.8					142.5

POU Total Acres: 199.5

Transfer No. 82657

WATER RIGHT NO. 22-610
As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

1. The water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights when water is diverted at the secondary point of diversion (located at NESE Sec 31 T6N 46E).
2. The water rights described in Transfer No. 82657 may only be diverted from the secondary point of diversion (located at NESE Sec 31 T6N 46E) when the Hog Canal headgate on South Leigh Creek is shut.
3. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 when combined shall not exceed the irrigation of 199.5 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 authorize total annual storage volume of 13.5 acre-feet, 10.7 acre-feet to be used for the initial filling of the ponds and 2.8 acre-feet for the replacement of losses caused by evaporation.
6. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.7 acre-feet or a total surface area of 1.7 acres.
7. Use of water under this right may 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. 1.
8. 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).
9. The primary point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
10. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
11. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 22-610

As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

15. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-13176

As Modified by Transfer No. 82657

In accordance with the approval of Transfer No. 82657, Water Right No. 22-13176 is now described as follows:

Right Holder: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

Priority Date: 5/15/1897

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.580 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.020 cfs	
FIRE PROTECTION STORAGE	01/01	to 12/31		1.1 af
AESTHETIC STORAGE	01/01	to 12/31		8.1 af
			0.600 cfs	

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK NESE Sec 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK L3 (NENWSE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: FIRE PROTECTION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	31													21.2			35.8	57.0
06N	46E	32									36.4	31.0	37.3	37.8					142.5

Right Acre Limit: 135.6

POU Total Acres: 199.5

Transfer No. 82657

WATER RIGHT NO. 22-13176**As Modified by Transfer No. 82657****CONDITIONS OF APPROVAL**

1. The water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights when water is diverted at the secondary point of diversion (located at NESE Sec 31 T6N 46E).
2. The water rights described in Transfer No. 82657 may only be diverted from the secondary point of diversion (located at NESE Sec 31 T6N 46E) when the Hog Canal headgate on South Leigh Creek is shut.
3. This right is limited to the irrigation of 135.6 acres within the authorized place of use in a single irrigation season.
4. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 when combined shall not exceed the irrigation of 199.5 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 authorize total annual storage volume of 13.5 acre-feet, 10.7 acre-feet to be used for the initial filling of the ponds and 2.8 acre-feet for the replacement of losses caused by evaporation.
7. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.7 acre-feet or a total surface area of 1.7 acres.
8. Use of water under this right may 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. 1.
9. 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).
10. The primary point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
11. This water right is subject to the delivery provisions contained in *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
12. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-13176

As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-347B**As Modified by Transfer No. 82657**

In accordance with the approval of Transfer No. 82657, Water Right No. 22-347B is now described as follows:

Right Holder: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

Priority Date: 6/2/1901

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.190 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.010 cfs	
FIRE PROTECTION STORAGE	01/01	to 12/31		1.1 af
AESTHETIC STORAGE	01/01	to 12/31		8.1 af
			0.200 cfs	

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK NESE Sec 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK L3 (NENWSE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: FIRE PROTECTION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	31													21.2				21.2
06N	46E	32									36.4	31.0	37.3	37.8				35.8	57.0
																			142.5

Right Acre Limit: 135.6

POU Total Acres: 199.5

Transfer No. 82657

WATER RIGHT NO. 22-347B
As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

1. The water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights when water is diverted at the secondary point of diversion (located at NESE Sec 31 T6N 46E).
2. The water rights described in Transfer No. 82657 may only be diverted from the secondary point of diversion (located at NESE Sec 31 T6N 46E) when the Hog Canal headgate on South Leigh Creek is shut.
3. This right is limited to the irrigation of 135.6 acres within the authorized place of use in a single irrigation season.
4. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 when combined shall not exceed the irrigation of 199.5 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 authorize total annual storage volume of 13.5 acre-feet, 10.7 acre-feet to be used for the initial filling of the ponds and 2.8 acre-feet for the replacement of losses caused by evaporation.
7. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.7 acre-feet or a total surface area of 1.7 acres.
8. Use of water under this right may 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. 1.
9. 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).
10. The primary point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
11. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
12. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-347B
As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-348B**As Modified by Transfer No. 82657**

In accordance with the approval of Transfer No. 82657, Water Right No. 22-348B is now described as follows:

Right Holder: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

Priority Date: 6/1/1902

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.580 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.020 cfs	
FIRE PROTECTION STORAGE	01/01	to 12/31		1.1 af
AESTHETIC STORAGE	01/01	to 12/31		8.1 af
			0.600 cfs	

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK NESE Sec 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK L3 (NENWSE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	31													21.2			35.8	57.0
06N	46E	32									36.4	31.0	37.3	37.8					142.5

Right Acre Limit: 135.6
POU Total Acres: 199.5

Transfer No. 82657

WATER RIGHT NO. 22-348B**As Modified by Transfer No. 82657****CONDITIONS OF APPROVAL**

1. The water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights when water is diverted at the secondary point of diversion (located at NESE Sec 31 T6N 46E).
2. The water rights described in Transfer No. 82657 may only be diverted from the secondary point of diversion (located at NESE Sec 31 T6N 46E) when the Hog Canal headgate on South Leigh Creek is shut.
3. This right is limited to the irrigation of 135.6 acres within the authorized place of use in a single irrigation season.
4. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 when combined shall not exceed the irrigation of 199.5 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 authorize total annual storage volume of 13.5 acre-feet, 10.7 acre-feet to be used for the initial filling of the ponds and 2.8 acre-feet for the replacement of losses caused by evaporation.
7. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.7 acre-feet or a total surface area of 1.7 acres.
8. Use of water under this right may 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. 1.
9. 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).
10. The primary point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
11. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
12. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-348B

As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

14/12/2018

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WATER RIGHT NO. 22-349B**As Modified by Transfer No. 82657**

In accordance with the approval of Transfer No. 82657, Water Right No. 22-349B is now described as follows:

Right Holder: TETON PARTNERS LTD
1201 S ORLANDO AVE STE 203
PO BOX 276
WINTER PARK, FL 32789

Priority Date: 6/1/1903

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/31	0.390 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.010 cfs	
FIRE PROTECTION STORAGE	01/01	to 12/31		1.1 af
AESTHETIC STORAGE	01/01	to 12/31		8.1 af
			0.400 cfs	

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK NESE Sec 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK L3 (NENWSE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: FIRE PROTECTION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	32										X							

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	46E	31													21.2			35.8	57.0
06N	46E	32									36.4	31.0	37.3	37.8					142.5

Right Acre Limit: 135.6
POU Total Acres: 199.5

Transfer No. 82657

WATER RIGHT NO. 22-349B
As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

1. The water rights described in Transfer No. 82657 shall have an effective priority date junior to all South Leigh Creek water rights when water is diverted at the secondary point of diversion (located at NESE Sec 31 T6N 46E).
2. The water rights described in Transfer No. 82657 may only be diverted from the secondary point of diversion (located at NESE Sec 31 T6N 46E) when the Hog Canal headgate on South Leigh Creek is shut.
3. This right is limited to the irrigation of 135.6 acres within the authorized place of use in a single irrigation season.
4. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 when combined shall not exceed the irrigation of 199.5 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Rights 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610 and 22-13176 authorize total annual storage volume of 13.5 acre-feet, 10.7 acre-feet to be used for the initial filling of the ponds and 2.8 acre-feet for the replacement of losses caused by evaporation.
7. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.7 acre-feet or a total surface area of 1.7 acres.
8. Use of water under this right may 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. 1.
9. 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).
10. The primary point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
11. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
12. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-349B

As Modified by Transfer No. 82657

CONDITIONS OF APPROVAL

15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.