

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82657

RECEIVED

AUG 07 2018

Department of Water Resources
Eastern Region

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 www.idwr.idaho.gov.

Name of Applicant(s) Teton Partners LTD

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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 07 2018

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Teton Partners LTDPhone (407) 629-1800Mailing address PO Box 276, Winter Park, FL 32789Email inbox@strongmgt.com

- ☐ 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, IncPhone 208-524-2353Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402Email 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.

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
☒ Change nature of use

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

☒ Change place of use
☐ Other _____
- 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.2**.
 Applicant proposes to convert a portion of the surface water rights for the fill and maintenance of a fire protection pond and an aesthetic pond within Cutthroat Creek Subdivision. Additionally, a new point of diversion is proposed to deliver the water rights directly to the property when the Hog Canal is unavailable.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CORRECTED

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.

	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☐	See attached Supplemental page for description of water rights.				
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 9.6 cubic feet per second and/or 13.5 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N	3	NE	NW	SE	32	6N	46E	TETON	SOUTH LEIGH CREEK	HOG CANAL
Y			NE	SE	31	6N	46E	TETON	SOUTH LEIGH CREEK	

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	
6N	46E	31													21.2			35.8	57
		32									36.4	31	37.3	37.8					142.5
												F, J							
Total Acres (for irrigation use)																			199.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

		<u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
All or Part							
☒	☐	22-161	1.94 cfs	Irrigation	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.06 cfs	Diversion to Storage	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.8 afa	Fire Protection Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐		5.8 afa	Aesthetic Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☒	☐	22-347B	0.19 cfs	Irrigation	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.01 cfs	Diversion to Storage	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		1.1 afa	Fire Protection Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐		8.1 afa	Aesthetic Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☒	☐	22-348B	0.58 cfs	Irrigation	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.02 cfs	Diversion to Storage	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		1.1 afa	Fire Protection Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐		8.1 afa	Aesthetic Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☒	☐	22-349B	0.39 cfs	Irrigation	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.01 cfs	Diversion to Storage	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		1.1 afa	Fire Protection Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐		8.1 afa	Aesthetic Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☒	☐	22-583B	0.97 cfs	Irrigation	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.03 cfs	Diversion to Storage	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		1.1 afa	Fire Protection Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐		8.1 afa	Aesthetic Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☒	☐	22-13176	0.58 cfs	Irrigation	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.02 cfs	Diversion to Storage	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		1.1 afa	Fire Protection Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐		8.1 afa	Aesthetic Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☒	☐	22-610	4.65 cfs	Irrigation	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		0.15 cfs	Diversion to Storage	4/15	to 10/31	South Leigh Crk & Teton Rv
☐	☐		1.6 afa	Fire Protection Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐		11.9 afa	Aesthetic Storage	1/01	to 12/31	South Leigh Crk & Teton Rv
☐	☐						
☐	☐						
☐	☐						
		Total authorized under rights 9.6 cfs and/or 13.5 ac-ft					

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

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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:
A new diversion with pump will be installed on South Leigh Creek. A pipeline from the diversion will deliver water to the ponds and to an irrigation system. Water will also be accessible through the original Hog Canal diversion and conveyance system to the property.

- b. Who owns the property at the point(s) of diversion? Hog Canal - Existing; New 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:
Footprints of the ponds and roadways will be retired from irrigation and converted for use as storage in the two ponds.

- 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:
No other water rights appurtenant to the place of use. The Hog Canal delivers to many other water users.

- 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:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 22-161

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TETON PARTNERS LTD 1201 S ORLANDO AVE STE 203 PO BOX 276 WINTER PARK, FL 32789 4076291800
Original Owner	LLOYD H FULLMER
Original Owner	VERONIQUE R FULLMER 225 E 500 N DRIGGS, ID 83422 2084562393

Priority Date: 06/01/1901

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH 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	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NENWSE Lt 3|Sec. 32|Township 06N|Range 46E|TETON County

IRRIGATION Use:

Acre Limit: 100

82657

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>
06N	46E	31		NESE	23		SESE	36						
		32		NESW	37		NWSW	34		SWSW	38		SESW	38

Total Acres: 206

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F15 The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above are where the conveyance system enters Idaho.
3. K06 This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.
4. E56 The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, and 22-13176.
5. 160 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.
6. F01 Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 206

Combined Volume Limit:

82657

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 22-347B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TETON PARTNERS LTD 1201 S ORLANDO AVE STE 203 PO BOX 276 WINTER PARK, FL 32789 4076291800

Priority Date: 06/01/1901

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH 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	0.2 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NENWSE Lt 3|Sec. 32|Township 06N|Range 46E|TETON WY County

IRRIGATION Use:

Acre Limit: 140

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

82657

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	46E	31		NESE	23		SESE	36						
		32		NESW	37		NWSW	34		SWSW	38		SESW	38

Total Acres: 206

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F15 The 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, and 22-13176. 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.
4. 160
5. F01 Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.
6. K06 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 206

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

82657

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 22-348B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TETON PARTNERS LTD 1201 S ORLANDO AVE STE 203 PO BOX 276 WINTER PARK, FL 32789 4076291800

Priority Date: 06/01/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH 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	0.6 CFS	
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NENWSE Lt 3|Sec. 32|Township 06N|Range 46E|TETON WY County

IRRIGATION Use:

Acre Limit: 140

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	46E	31		NESE	23		SESE	36						
		32		NESW	37		NWSW	34		SWSW	38		SESW	38

Total Acres: 206

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F15 The 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, and 22-13176.
4. 160 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.
5. F01 Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.
6. K06 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 206

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

82657

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 22-349B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TETON PARTNERS LTD 1201 S ORLANDO AVE STE 203 PO BOX 276 WINTER PARK, FL 32789 4076291800

Priority Date: 06/01/1903

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH 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	0.4 CFS	
Total Diversion			0.4 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NENWSE Lt 3|Sec. 32|Township 06N|Range 46E|TETON WY County

IRRIGATION Use:

Acre Limit: 140

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

82657

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	46E	31		NESE	23		SESE	36						
		32		NESW	37		NWSW	34		SWSW	38		SESW	38

Total Acres: 206

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F15 The 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, and 22-13176.
4. 160 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.
5. F01 Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.
6. K06 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 206

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

82657

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 22-583B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TETON PARTNERS LTD 1201 S ORLANDO AVE STE 203 PO BOX 276 WINTER PARK, FL 32789 4076291800
Original Owner	LLOYD H FULLMER
Original Owner	VERONIQUE R FULLMER 225 E 500 N DRIGGS, ID 83422 2084562393

Priority Date: 06/01/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH 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	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NENWSE Lt 3|Sec. 32|Township 06N|Range 46E|TETON WY County

IRRIGATION Use:

Acre Limit: 140

82657

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>
06N	46E	31		NESE	23		SESE	36						
		32		NESW	37		NWSW	34		SWSW	38		SESW	38

Total Acres: 206

Conditions of Approval:

1. F15 The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW, 6PM. The point of diversion shown above are where the conveyance system enters Idaho.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
4. E56 The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, and 22-13176.
5. 160 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.
6. F01 Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 206

Combined Volume Limit:

82657

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 22-610

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TETON PARTNERS LTD 1201 S ORLANDO AVE STE 203 PO BOX 276 WINTER PARK, FL 32789 4076291800
Original Owner	LLOYD H FULLMER
Original Owner	VERONIQUE R FULLMER 225 E 500 N DRIGGS, ID 83422 2084562393

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH 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	4.8 CFS	
Total Diversion			4.8 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NENWSE Lt 3|Sec. 32|Township 06N|Range 46E|TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

82657

<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>
06N	46E	31		NESE	23		SESE	36						
		32		NESW	37		NWSW	34		SWSW	38		SESW	38

Total Acres: 206

Conditions of Approval:

1. F15 The 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.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E56 The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, and 22-13176.
4. 160 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.
5. F01 Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.

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:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 206

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

82657

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 22-13176

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TETON PARTNERS LTD 1201 S ORLANDO AVE STE 203 PO BOX 276 WINTER PARK, FL 32789 4076291800
Original Owner	LLOYD H FULLMER
Original Owner	VERONIQUE R FULLMER 225 E 500 N DRIGGS, ID 83422 2084562393

Priority Date: 05/15/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH 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	0.6 CFS	
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NENWSE Lt 3|Sec. 32|Township 06N|Range 46E|TETON County

IRRIGATION Use:

Acre Limit: 140

82657

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>
06N	46E	31		NESE	23		SESE	36						
		32		NESW	37		NWSW	34		SWSW	38		SESW	38

Total Acres: 206

Conditions of Approval:

1. F15 The 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.
2. P21 This right is a split from former right 22-582.
3. K06 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. E56 The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, and 22-13176.
6. 160 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.
7. F01 Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 206

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Narrative to Support Application for Transfer

Water Right Nos: 22-161, 22-347B, 22-348B, 22-349B, 22-583B, 22-610, 22-13176

Teton Partners LTD

The Applicant owns the property described in this application. It is currently flood irrigated through a series of ditches supplied by the Hog Canal, under the seven water rights listed in Table 1. This application proposes to make several changes to the existing water rights including an additional point of diversion, the conversion of a portion of the irrigation rights for use in filling and maintaining two ponds, and the subsequent reduction in irrigated acres to mitigate for said changes.

Table 1. Water rights owned by Teton Partners LTD					
Water Right #	Priority	cfs	Acres	Total Ac	% of Total
22-161	6/1/1901	2	100	206	49%
22-347B	6/1/1901	0.2	140	206	68%
22-348B	6/1/1901	0.6	140	206	68%
22-349B	6/1/1903	0.4	140	206	68%
22-583B	6/1/1899	1	140	206	68%
22-13176	5/15/1897	0.6	140	206	68%
22-610	1/22/1916	4.8	206	206	100%
Total		9.6		206	

New Point of Diversion

The Hog Canal, the current point of diversion, is diverted from South Leigh Creek in Wyoming and carries numerous water rights for delivery. However, the majority of the water rights delivered through the Hog Canal are junior in priority and are curtailed by early July. The applicant owns more senior water rights, which could still be available during futile call. Without the junior rights, however, the senior rights are undeliverable due to conveyance losses and reduced capacity in the canal. The Teton Valley water master stated that the Hog Canal does not receive water during futile call for this reason.

This application proposes to add a point of diversion for delivery of the water rights when the Hog Canal cannot deliver the water rights during futile call. To identify potential injury to other diverters on South Leigh Creek, Rocky Mountain Environmental Associates performed a spatial analysis and field verification of existing points of diversion to the point where South Leigh Creek goes dry each year. Figure 1 displays the locations of South Leigh Creek points of diversion and the point where the creek was observed to be dry on August 16, 2017, just downstream of the applicant's property. Other points of diversion include the Desert Ditch, Kilpack Ditch, and Hog Canal.

The proposed new point of diversion is downstream of the existing diversions that typically receive water during futile call, but upstream of the point where the creek sinks each year. There are no diversions between the proposed point of diversion and the point where the creek sinks. Hence, this proposed diversion should be the last diversion that could divert water during a futile call.

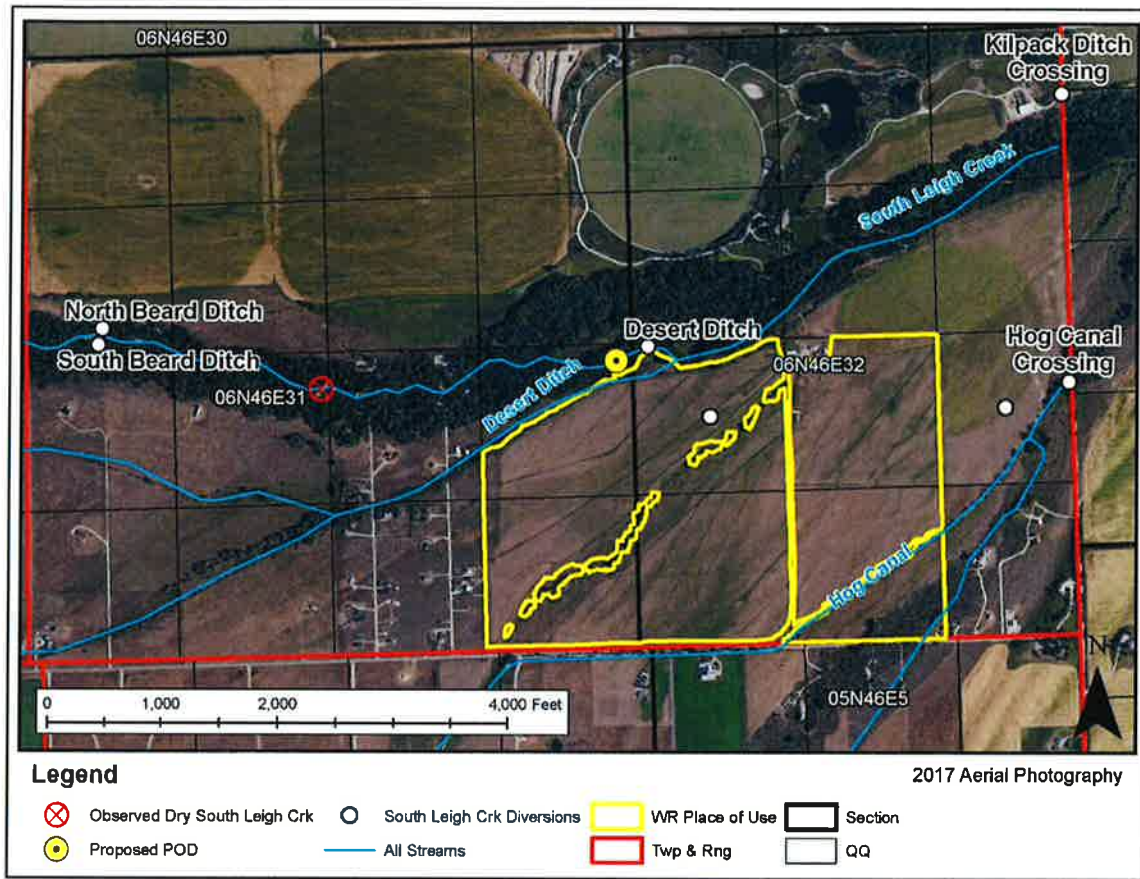


Figure 1. Diversions on South Leigh Creek

Ponds

The Place of Use is proposed to be subdivided into large lots with farm easements in open spaces. To provide fire protection, it is proposed to excavate a fire protection pond with a surface area of 0.3 acre and a volume of 1.1 acre-feet. A second larger pond will be south of the fire protection pond and will be used for Aesthetics and a flow-through for the remaining irrigation water rights. The Aesthetic Pond will have a surface area of 1.4 acres and an approximate volume of 9.6 acre-feet.

This application proposes to convert enough irrigation water rights for the fill and maintenance of the two ponds. A total of 10.7 acre-feet are required to fill both ponds. Expected evaporation was calculated using IDWR's Pond Loss Calculation spreadsheet based on the precipitation deficit of open water from the Driggs (NWS – 102676) station. It is calculated that 2.8 acre-feet will evaporate from both ponds throughout the year. See figure 2 for an excerpt of the Pond Loss Calculation.

Since a portion of the water rights will be converted from Irrigation to Storage, an evaluation of the historical consumptive use has been performed and is included in this narrative, serving in place of Attachment #8a.

Precipitation Deficit			
Station: Driggs			
Month	mm/day ¹	Days per month	mm/Month
Jan	-0.70	31	0.00
Feb	0.02	28	0.56
March	0.40	31	12.40
April	1.37	30	41.10
May	2.08	31	64.48
June	3.16	30	94.80
July	3.33	31	103.23
August	3.15	31	97.65
September	1.94	30	58.20
October	0.95	31	29.45
November	-0.15	30	0.00
December	-0.68	31	0.00
Total mm/year =			501.87
$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$			
(501.87	÷	304.8	) X 1.70 = 2.8 AFA

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.

Figure 2. Excerpt of IDWR's Pond Calculation Spreadsheet for the proposed application showing calculated evaporation of the proposed ponds.

Historical Consumptive Use and Reduction of Acres

Existing and historical use of the water rights have been for alfalfa hay – less frequent cuttings. The Driggs (NWS – 102676) station from ET_{Idaho} indicates that alfalfa hay has an irrigation requirement of 632 mm/year or 2.07 ac-ft/year. The ponds require 13.5 ac-ft (10.7 AF for pond fill and 2.8 AF for evaporation). Acres required for retirement are 6.5 acres (13.5 AF / 2.07 AFA = 6.5 acres).

The acres to be retired have been identified in Attachment #7b and will come from the footprint of the proposed ponds and the roadways. Table 2 details the acres allotted under the water right place of use, the acres that are proposed to be retired, acres to be added for a shifted roadway, and the remaining acres for irrigation upon approval of this transfer.

Table 2. Place of Use Changes						
		POU Ac	Measured Retired Acres	Acres to Add (Road)	Total Acres Retired	Remaining Irrigated Acres
6N46E	QQ					
Sec 31	NESE	23	1.8		1.8	21.2
	SESE	36	0.2		0.2	35.8
Sec 32	NESW	37	0.6		0.6	36.4
	NWSW	34	3		3	31
	SWSW	38	0.9	0.2	0.7	37.3
	SESW	38	0.4	0.2	0.2	37.8
Total		206	6.9	0.4	6.5	199.5

Water Right Storage Volumes

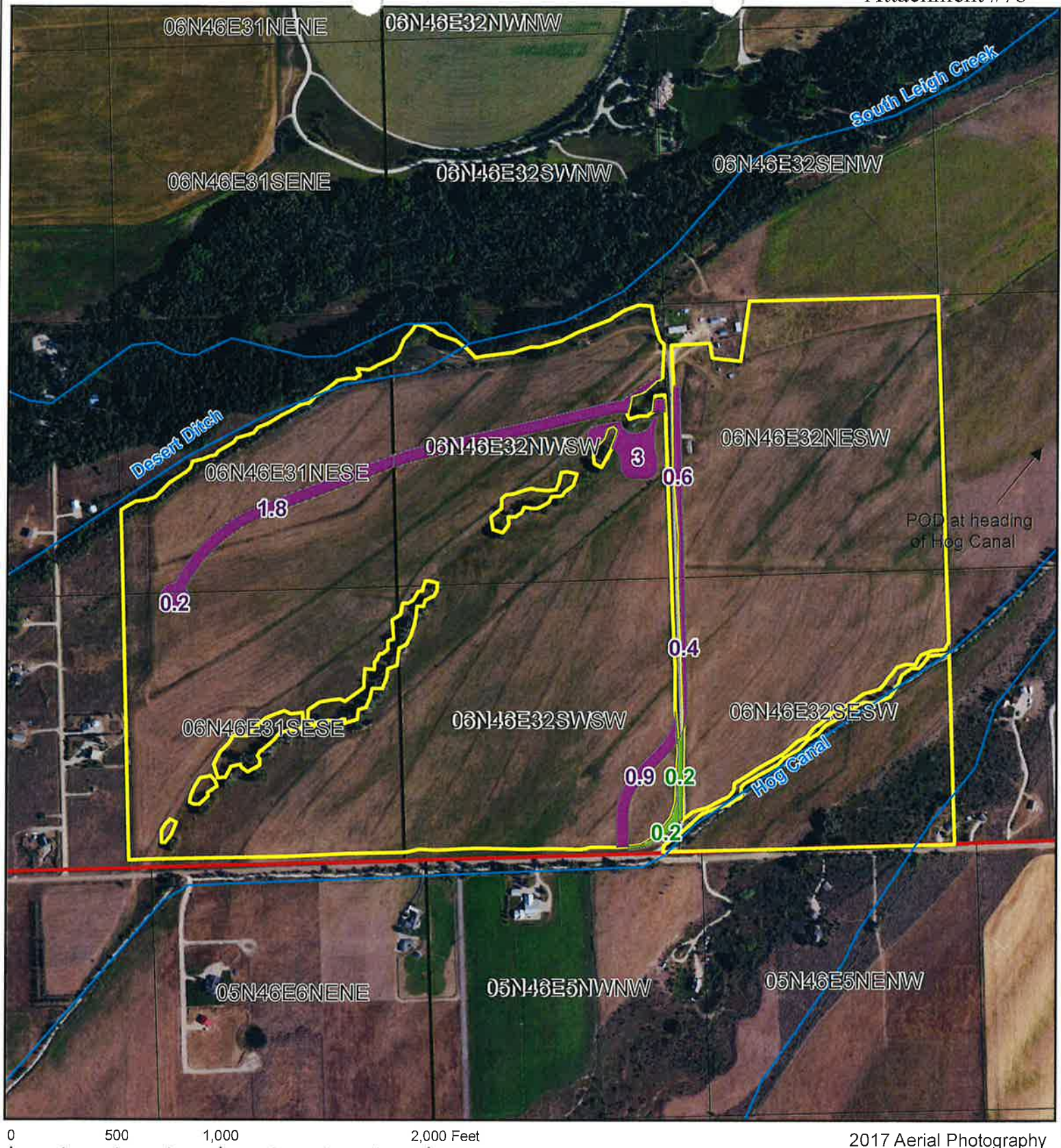
The conversion of 6.5 acres of the total place of use results in a proportionate split of the seven water rights as shown in Table 3. Each right contributes proportionately to the total volume of the ponds. The proportion of fire pond and aesthetic storage was calculated based upon the amount each contributes to the total volume. The fire pond constitutes 11.9% of the total storage volume and the aesthetic pond constitutes the remaining 88.1% of the 13.5 AFA.

Table 3. Water Right Storage Volume Calculations

WR #	Existing				Proposed Transfer						Remaining	
	cfs	Acres	% of Total	cfs/ac	Total Ac	Acres	cfs	Total AFA	Fire Pond AFA	Aesth. Pond AFA	Acres	cfs
22-161	2	100	49%	0.020	6.5	3.2	0.06	6.53	0.8	5.8	93.5	1.94
22-347B	0.2	140	68%	0.001	6.5	4.4	0.01	9.14	1.1	8.1	133.5	0.19
22-348B	0.6	140	68%	0.004	6.5	4.4	0.02	9.14	1.1	8.1	133.5	0.58
22-349B	0.4	140	68%	0.003	6.5	4.4	0.01	9.14	1.1	8.1	133.5	0.39
22-583B	1	140	68%	0.007	6.5	4.4	0.03	9.14	1.1	8.1	133.5	0.97
22-13176	0.6	140	68%	0.004	6.5	4.4	0.02	9.14	1.1	8.1	133.5	0.58
22-610	4.8	206	100%	0.023	6.5	6.5	0.15	13.5	1.6	11.9	199.5	4.65
Total	9.6	206			6.5	6.5	0.30	13.5	1.6	11.9	199.5	9.3

Summary of Completed Diversion System

The system, as proposed herein, will consist of two points of diversion, one at the same historic Hog Canal heading and one at the proposed pump station on South Leigh Creek. The Hog Canal will continue to deliver water to the property for the purpose of irrigation and storage. The new point of diversion will be available to deliver the water rights when the water rights are undeliverable through the Hog Canal, such as, but not limited to, periods of futile call, under the administration of the water master. Water from either point of diversion will be delivered to the ponds for fill and/or maintenance. Sufficient mitigation is provided that the ponds will be authorized to be refilled annually if either one or both were found empty. Additionally, irrigation water rights may flow through the ponds to help maintain fresh water. The 24-hr rule will be employed to allow the irrigation rights to flow through the ponds. No water will be diverted from the north pond, or fire protection pond, for the purposes of irrigation.

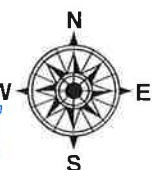


2017 Aerial Photography

Legend

- All Streams
- Acres Added
- Retired Acres
- WR Place of Use
- Twp & Rng
- Section
- QQ

82657

**Existing Water Right***Teton Partners LTD*

RMEA #15-0056

by: KM

Date: 7/10/2018



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.