

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-13709

RECEIVED

DEC 26 2014

Department of Water Resources
Eastern Region

Date of Priority: February 09, 2007

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 1.6 AF

Comes now IDAHO HOLDINGS LLC
ATTN: HORACE GRAY
5004 MONUMENT AVE STE 200
RICHMOND VA 23230

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-13709, and requests that the permit be changed as follows:

Source: UNNAMED STREAM
GROUND WATER

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1.6 AF
DIVERSION TO STORAGE	04/15 to 10/15	0.10 CFS	

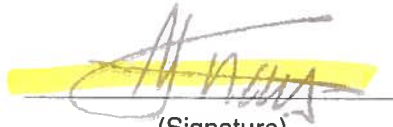
LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE1/4SE1/4 Sec. 33, Twp 05N, Rge 45E, B.M.	TETON County
GROUND WATER NE1/4SE1/4 Sec. 33, Twp 05N, Rge 45E, B.M.	TETON County
GROUND WATER NE1/4SE1/4 Sec. 33, Twp 05N, Rge 45E, B.M.	TETON County
UNNAMED STREAM NE1/4SE1/4 Sec. 33, Twp 05N, Rge 45E, B.M.	TETON County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	33														X			

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.


(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by SC # E040493 Date 12.15.14

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-13709 with the following:

CONDITIONS OF APPROVAL

1. To prevent injury to senior surface water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portions thereof, are being dedicated to mitigation purposes.

Mitigation Right No.	Use Changed to Mitigation Irrigation	Mitigation Rate (cfs)	Mitigation Acres
22-13247		0.10	5

The land that will no longer be irrigated under this right is located within the NWSE, Section 33, Township 05N, Range 45E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion from the unnamed stream under this right shall be reduced by the same proportion as the reduction to the mitigation rights.

2. 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).
3. The right holder shall not divert surface water from the unnamed stream when water rights with a priority date of June 19, 1920, are curtailed in the Teton River drainage.
4. Wildlife storage use is for 2 excavated ponds that shall not exceed a combined total surface area of 1/2-acre and a total combined instantaneous storage volume of 2.0 AF. The right holder may divert up to 3.0 AF of water from the unnamed stream each year to fill the ponds and to replace evaporation and seepage losses periodically. This right does not authorize a continuous flow of water through the ponds.
5. 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.

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6. If the right holder cannot continue to implement this mitigation plan every year for any reason, the right holder shall cease diverting water from the unnamed stream under this right or shall implement an alternative mitigation plan that has been reviewed and approved by the department.
7. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
8. Ground water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.

Witness my hand this 30th day of December, 2014.


for GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

11/20/2014

Idaho Holdings LLC
Attn: Horace Gray
5004 Monument Ave Suite 200
Richmond, VA 23230

RECEIVED

DEC 26 2014

Department of Water Resources
Eastern Region

RE: Water Right Permit No. 22-13709

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department validates the extent of development that has been established in compliance with the terms of the permit.

On June 11, 2014 I was on location verifying your water use and found that the point of diversion and place of use was different than what is listed on the application for permit. Copies of the permit, a map, and the beneficial use report have been included for your reference. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, **please sign the form and return it** with the \$100.00 filing fee. If you do not agree with the findings of the exam please give me a call at the number above to discuss the issue.

If you have any questions, please let me know.

Sincerely,

Kerrie A Mathews
Sr. Water Resource Agent

12.15.14 - received fee, but not
application for amendment...
Re-sent 12.16.14.
KM



December 10, 2014

RECEIVED

DEC 15 2014

Department of Water Resources
Eastern Region

State of Idaho

Department of Water Resources

Eastern Region

900 North Skyline Drive

Suite A

Idaho Falls, ID 83402

RE: Water Right Permit No. 22-13709

Dear Kerri:

I am enclosing my check in the amount of \$100.00 to amend my permit according to the attached letter.

Sincerely,

Horace A. Gray, III

2040493