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FEB 21 2013

STATE OF IDAHO Department of Water Resources Transfer No. 78453
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant William S Graham Revocable Trust Phone (847) 274-7946
 Mailing Address 241 Melrose Ave, Kenilworth, IL 60043 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 / Fax 524-1795

Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kmoore@rockymountainenvironmental.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

William S. Graham
Print Name and Title if applicable

1/30/2013
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change Point of Diversion ☐ Add diversion point(s) ☒ Change Place of use
☒ Change Nature of Use ☒ Change Period of Use ☐ Other _____

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.2**:

Applicant proposes to change the nature of use for a portion of the existing water right to Wildlife Storage for a pond of 1.75 acres located adjacent to the current place of use. See Attachment #9 for details of the mitigation plan.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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Eastern Region

B. DESCRIPTION OF RIGHT(S) 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 Nature of Use Period of Use Source & Tributary
 All or Part (cfs/ac-ft)

☐	☒	22-11960	1.15 cfs	Irrigation	04/15 to 10/31	Unnamed stream
☐	☐		0.25 cfs	Diversion to Storage	04/15 to 10/31	trib to Teton River
☐	☐		26.6 AF	Wildlife Storage	01/01 to 12/31	
☐	☐					
☐	☐					
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total Authorized under rights 1.4 cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 0.09 cubic feet per second and/or 8.9 acre-feet per annum.

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	
4N	45E	4						21											21
								W											
		5	25.8			10.8													36.6
			W	W		W													

Total Acres (for irrigation use): 57.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Eastern Region

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: The existing diversion on the stream will divert water into ditches that will carry water to the new and existing ponds.

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? No ☒
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. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

4.3 acres will be dried up to compensate for pond fill and evaporation according to the calculations on Attachment #8. The acreage to be dried up is shown on Attachment #7b.

e. 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) of use:

There are no other water rights overlapping the place of use or points of diversion.

f. 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: _____

WATER RIGHT NO. 22-11960

Part 2A

Owner Type **Name and Address**
Current Owner WILLIAM S GRAHAM REVOCABLE TRUST
241 MELROSE AVE
KENILWORTH, IL 60043
(847)274-7946

Priority Date: 05/11/1900

Basis: Decreed

Status: Active

Source **Tributary**
UNNAMED STREAM TETON CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.24 CFS	
WILDLIFE STORAGE	01/01	12/31		17.7 AFA
DIVERSION TO STORAGE	04/15	10/31	0.16 CFS	
Total Diversion			1.4 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM SWNENW Lt 3 Sec. 04 Township 04N Range 45E TETON County
UNNAMED STREAM SENWNW Lt 4 Sec. 04 Township 04N Range 45E TETON County

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>
04N	45E	4	4	NWNW 21										
		5	1	NENE 28.5				SENE 12.4						

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>
04N	45E	4	4	NWNW										
		5	1	NENE				SENE						

Total Acres: 61.9

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or for the
1. C18 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. T07 The right holder shall accomplish the change authorized by approved transfer 74677 by June 25, 2009.

3. R63 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 lands above.
Use of water under this right will be regulated by a watermaster with responsibility for the distribution of
4. R05 water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
5. 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).
6. T08 Failure of the right holder to comply with the conditions of approved transfer 74677 is cause for the Director to rescind approval of the transfer.
7. The pond established for the storage of water under this right shall not exceed a total capacity of 6.4 acre feet or a total surface area of 6.4 acres.
8. This right authorizes the diversion of an annual total of 17.7 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond.
9. Diversion to storage for wildlife purposes under this right is limited to times when the pond is initially filling, or refilling due to evaporation losses from the pond. Water shall not be diverted for wildlife purposes under this right at times when water would flow through the pond for discharge back to the creek.
10. The approved transfer 74677 redefines all of the elements of this water right, and the new use(s) of water authorized by this approval shall constitute the full extent of the right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
Part 3

A. PLAT MAP (See Part 3A for Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemental, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

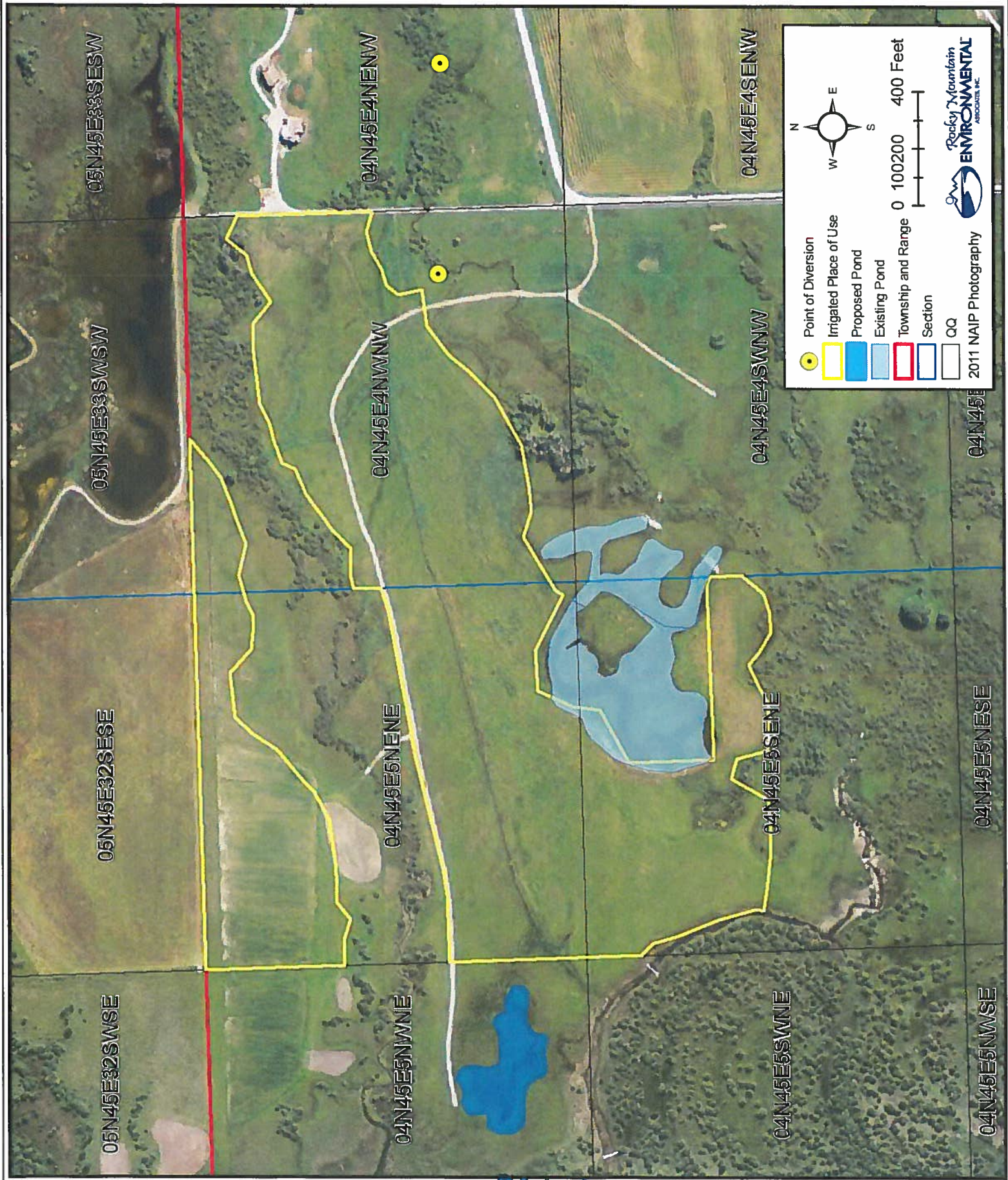
Fee Paid \$200.00 Date 2-21-2013 Receipted by Km Receipt # E038434

Add'l Fee Paid \$250.00 Date 2-26-2013 Receipted by Km Receipt # E038435

Application for Transfer

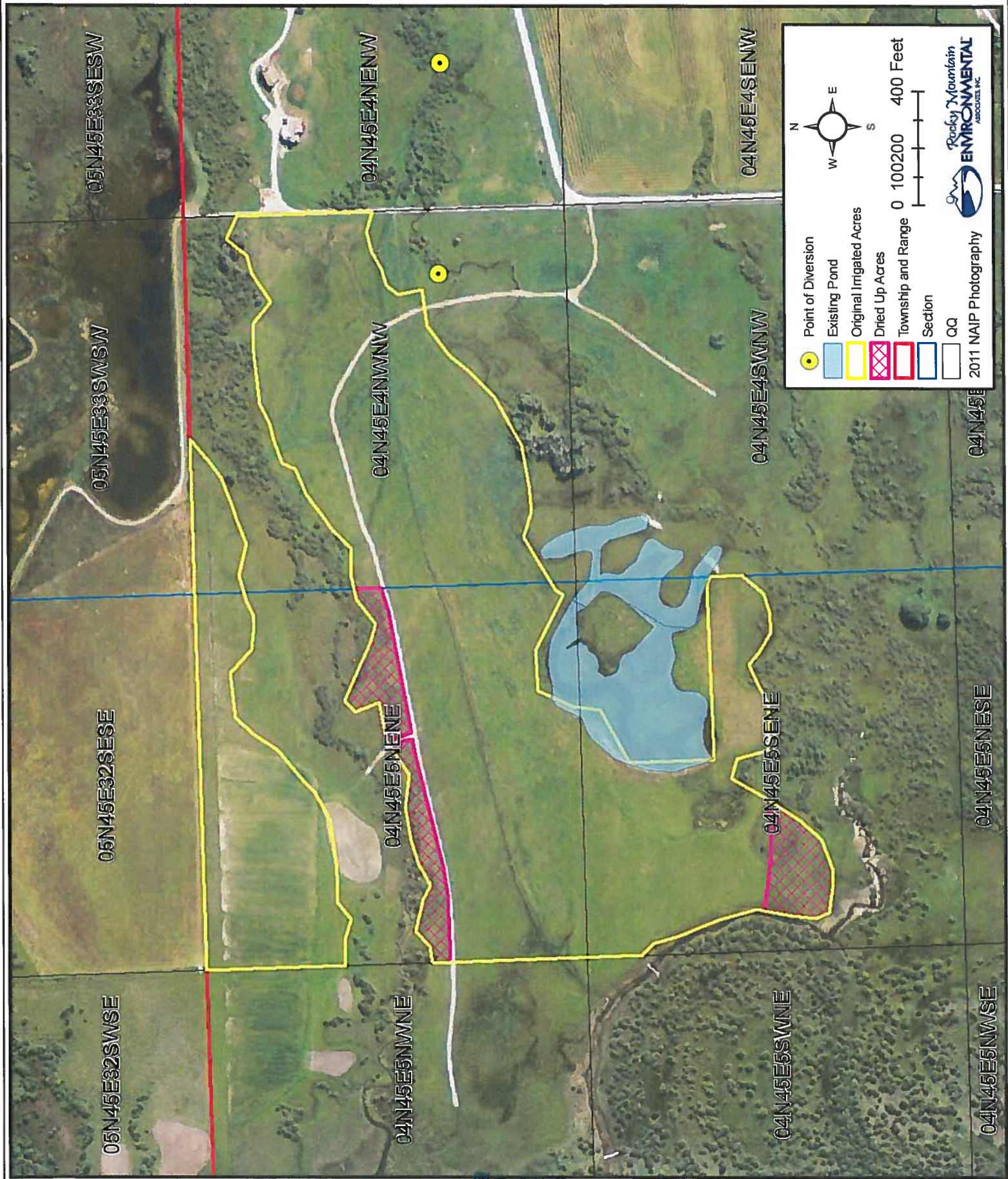
William S Graham Revocable Trust

Attachment #7a



Application for Transfer
William S Graham Revocable Trust

Attachment #7b



88453

Pond Calculations
Climate Station: Driggs, Idaho (NWS-102676)
Project Name: William S Graham Revocable Trust

Pond Consumptive Use Calculations													
Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Annual FWW Evaporation (inches)	35	35	35	35	35	35	35	35	35	35	35	35	35
Monthly Distribution (%) #1	1	2	4	7	12	15	19	16	11	6	4	3	100
Monthly FWS Evaporation (in/mo)	0.35	0.7	1.4	2.45	4.2	5.25	6.65	5.6	3.85	2.1	1.4	1.05	35
Avg. Total Precipitation (in/mo) #2	1.42	1.09	1.1	1.24	1.9	1.84	1.11	1.19	1.3	1.23	1.07	1.38	15.87
Pond Loss [(Evap.) - (Precip.in.)] #3	0	0	0.3	1.21	2.3	3.41	5.54	4.41	2.55	0.87	0.33	0	20.92
Pond Surface Area (acres)	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75
Total Pond Loss (ac-in)	0.0	0.0	0.5	2.1	4.0	6.0	9.7	7.7	4.5	1.5	0.6	0.0	36.6
Total Pond Loss (ac-ft)	0.0	0.0	0.0	0.2	0.3	0.5	0.8	0.6	0.4	0.1	0.0	0.0	3.1 #7
Irrigation Consumption Crop													
Alfalfa-less freq cuttings (mm/yr)	632 # 4 = (Precipitation Deficit Growing Season, Site & Crop Specific (mm))												
Mean Irr. Requirement (ac-in/ac/season) =	24.9 # 5 = [(Precipitation Deficit (#4)) + (25.4) = ac-in/ac/season]												
Mean Irr. Requirement (ac-ft/ac/season) =	2.07 # 6 = [(Precipitation Deficit (#5)) + (12) = ac-ft/ac/season]												
Acres to dry up for pond use =	1.47 rounded = 1.5 # 8 = [(Pond Loss Total (#7)) + (Mean Irrig.Req (#6))] rounded = 1.5												

Summary					
Original Ground Water Right 22-11960	Diversion Rate (cfs)	Place of Use (acres)	cfs per acre	AF per acre (#6)	
	1.24	61.9	0.020	2.07	
Amount of Water Needed For Evaporation	Pond Surface Area (acres)	Acres Equivalent to Evaporation Use (#8)	cfs required	AF (#7) Required	
	1.75	1.5	0.030	3.1	
Amount of Water Needed for Pond Fill	Pond Volume (AF)	Acres Equivalent to Pond Fill	cfs required	AF Required	
	5.81	2.8	0.056	5.8	
Total Water Transferred	For Evaporation	For Pond Fill	Amt Transferred		
	cfs	0.030	0.056	0.09 cfs	
	AF	3.1	5.81	8.9 AF	
	acres	1.50	2.80	4.3 acres	

#1 - Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.

#2 - Data collected from the Western Regional Climate Summary, Monthly Climate Summary @ <http://www.wrcc.dri.edu/summary/climsmsid.html>

#3 - Note: for months where precipitation exceeds evaporation, the resultant pond loss is set to zero

#4, 5 & 6 - <http://data.kimberly.uidaho.edu/ETIdaho/> - Precipitation Deficit values used synonymously w/mean irrigation requirement. Values from Allen, Richard G. & Clarence W. Robison, 2012. *Evapotranspiration & Consumptive Irrigation Water Requirements for Idaho, Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID.



APPLICATION FOR TRANSFER

William S Graham Revocable Trust

Mitigation Plan

Water Right no. 22-11960 currently includes both irrigation, diversion to storage, and wildlife storage as natures of use. There is an existing pond/wetland area to which water is diverted and stored. Applicant proposes to add another pond to the water right adjacent to the existing irrigation place of use. The proposed pond will have a surface area of 1.75 acres and a volume of 5.81 acre-feet.

This right has historically been used to irrigate alfalfa hay-less frequent cuttings, which consumes 2.07 acre-feet per acre. To fill the pond of 5.81 acre-feet, a total of 2.8 acres must be dried up ($5.81 \text{ af} / 2.07 \text{ af/ac} = 2.8 \text{ acres}$). According to the calculations on Attachment #8a, based on evaporation and precipitation data from the Driggs NWS station, evaporative losses will total 3.1 acre-feet annually, necessitating an additional 1.5 acres be dried up. The sum of acres required to dry up is 4.3 acres, 2.8 acres for fill and 1.5 acres for evaporation. Attachment #7b illustrates the 4.3 acres proposed to be dried up upon approval of this transfer. The water will be diverted through existing points of diversion and ditches.

Groundwater levels are near the ground surface, thus no seepage losses are anticipated.

Since the water right currently has diversion to storage and wildlife storage components already, this transfer will increase the quantities under each by 0.09 cfs and 8.9 acre-feet, respectively.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____
 William S Graham Revocable

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 <http://www.idwr.idaho.gov/>.

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 #1-9.

- ☐ ☒ #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 transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 <http://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.
- ☒ ☐ #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 Other. Please describe: Mitigation Plan