



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 28, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

PETER LINN
TRUDY LINN
1400 E 6000 S
VICTOR, ID 83455

RE: Transfer No. 77830
Water Right No(s). 22-535, 22-2095

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the TETON VALLEY NEWS on April 5 and 12, 2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

CC: VALLEY WEST ENGINEERING
PO BOX 4852
JACKSON, WY 83001



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Interim Director

LYLE SWANK
WATER DISTRICT 01
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402-1718

RE: Application for Transfer 77830
Water Right Number(s) 22-535 , 22-2095

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, March 28, 2012 12:36 PM
To: 'Teton Valley News (office@tetonvalleynews.net)'
Subject: Legal Notice for your paper
Attachments: Teton Valley Cover Letter.doc

Contacts: Teton Valley News

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

March 28, 2012

Legal Notice Department
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS ID 83422

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. **Please send the affidavit and bill to this office before April 23, 2012.** Your cooperation is appreciated.

Sincerely
Sharla Cox
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax
Sharla.cox@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77830

PETER LINN, 1400 E 6000 S , VICTOR, ID 83455 has filed Application No. 77830 for changes to the following water rights within TETON County(s): Right No(s). 22-535, 22-2095; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to add a point of diversion, change nature of use and to change the period of use. The points of diversion NWSESW Sec 30 (Juanita Creek) and SWNWNE SEC 31 (Juanita Springs) T4N R46E 0.5 cfs. The place of use is within Sec 30 T4N R46E for irrigation, 16 acres and diversion to storage from 4/15 to 10/31, fire protection storage and recreation and wildlife from 1/1 to 12/31.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 23, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on April 5 and 12, 2012

DECISION

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant: I-4695

Name of grantee: Albert W. Use

Map showing the location and dimensions of grant:

Map designations: Albert W. Use Irrigation Pipeline Easement

Date filed: December 27, 1971

Permitted use by grantee: Irrigation pipeline

Authority for grant: Act of March 3, 1891 (26 Stat. 1101), as amended.

Regulations applicable to grant:

Code reference: 43 CFR Parts 2800 and 2870

Circular number: --

Date of grant: JAN 28 1972

Expiration date of grant: 60 years

Rental: --none--

Amount:

When payable by grantee:

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964, (29 F.R. 10526), as amended, a right-of-way, the details of which are shown above, is hereby granted subject to the following terms and conditions:

1. All valid rights existing on the date of the grant.
2. All regulations ~~in the interest of~~ specified above.
3. Filing of proof of construction within five years of the date of the grant.
4. Further terms and conditions as follows:
 - (a) Pursuant to 43 CFR 2801.1-5, the District Manager, Idaho Falls
District Office, P.O. Box 1867, Idaho Falls, Idaho,
has the authority to conduct all business with the grantee with respect
to use of lands and disposition of resources, and the grantee is
requested to contact him prior to the beginning of construction.
 - (b) Additional terms and conditions of Exhibit A attached hereto and made a
part hereof.

/s/ Richard H. Petrie

Richard H. Petrie, Chief
Division of Technical Services

ADDITIONAL TERMS AND CONDITIONS
Right-of-Way I-4695

1. The applicant must guard against all conditions that may be a safety hazard to the public.
2. If any erosion problem develops it will be the applicant's responsibility to correct the situation immediately; if he does not, corrective measures will be taken at the applicant's expense.
3. Upon completion of construction all disturbed areas shall be leveled and seeded with a minimum of 8 lbs. of Intermediate Wheatgrass, or other adapted species, per acre.
4. The grantee shall take necessary action to prevent fire during construction. Fire extinguishers or other fire-fighting equipment will be provided for construction crews.
5. The grantee agrees that in all his operations under this permit he shall comply with the applicable State and Federal laws and regulations concerning the use of poisonous substances, including insecticides, herbicides, fungicides, rodenticides, and other similar substances. Prior to the use of such substances on or near the right-of-way, the grantee shall obtain from the District Manager approval of a written plan for such use. The plan shall state the type and quantity of material to be used, the pest to be controlled, the method of application and such other information as he may require. All use of such substances on or near the right-of-way shall be in accordance with the approved plan. If the use of a poison is prohibited by the Secretary of the Interior, it shall not be used. If use of a poison is limited by the Secretary of the Interior, it shall be used only in accordance with that limitation.

cc: DM I-3
File: Strobel: 1b 1/28/72.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Snake River Ecosystem
Shoshone, Idaho Falls, and Burley Districts
1405 Hollipark Drive
Idaho Falls, ID 83401

In Reply Refer To:

IDI-4695

December 6, 1995

CERTIFIED MAIL, P-BLM-5868
RETURN RECEIPT REQUESTED

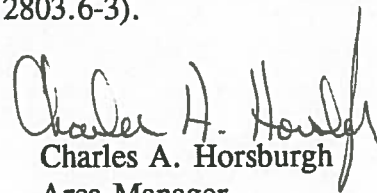
Peter V. Linn
P.O. Box 255
Victor, ID 83455

DECISION
:
Right-of-Way Assigned

Serial Number of Grant: IDI-4695
Name of Assignor: Alice K. Ure
Name of Assignee: Peter V. Linn
Location: T. 4 N., R. 46 E., sec. 31, Lot 6, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Permitted Use: Water Development and Pipeline
Date of Original Grant: January 28, 1972
Date of Assignment: December 6, 1995
Expiration Date of Grant: January 28, 2032

On October 27, 1995, Alice K. Ure requested assignment of right-of-way, IDI-4695, to Peter V. Linn. Mr. Linn has agreed to comply with and be bound by all terms and conditions of the grant.

Subject to the terms and conditions of the original grant, a copy of which is attached, assignment of right-of-way IDI-4695 is hereby approved (43 CFR 2803.6-3).


Charles A. Horsburgh
Area Manager
Medicine Lodge Resource Area

Enclosure
cc: Alice K. Ure

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page**

Run Time: 11:50 AM

Page 1 of 2

Run Date: 03/27/2012

01 03-03-1891;026STAT1101;43USC946-951

Total Acres

Serial Number

Case Type 287100: ROW-IRRIGATION FAC

1.080

IDI--- - 004695

Commodity 971: NON-ENERGY FACILITIES

Case Disposition: AUTHORIZED

Serial Number: IDI--- - 004695

Name & Address	Int Rel	% Interest
LINN PETER V PO BOX 255 VICTOR ID 834550255	HOLDER	100.0000000

Serial Number: IDI--- - 004695

Mer Twp	Rng	Sec	STyp	SNr Suff	Subdivision	District/Field Office	County	Mgmt Agency
08 0040N	0460E	031	ALIQ		NENW;	UPPER SNAKE FIELD OFFICE	TETON	BUREAU OF LAND MGMT
08 0040N	0460E	031	LOTS		11;	UPPER SNAKE FIELD OFFICE	TETON	BUREAU OF LAND MGMT

Serial Number: IDI--- - 004695

Act Date	Code	Action	Action Remark	Pending Office
11/08/1971	124	APLN RECD		JH
12/27/1971	114	AMEND/CORR APLN RECD		
01/28/1972	307	ROW GRANTED-ISSUED		
01/28/1972	502	LENGTH IN FEET	1565.01;	JF
01/28/1972	504	WIDTH IN FEET (TOTAL)	30;	JF
01/28/1972	505	DIAMETER OF PIPE (INCHES)	6;	JF
07/01/1977	287	PROOF CONST/USE ACPT		
03/22/1991	974	AUTOMATED RECORD VERIF		JF
08/29/1995	950	COMPLIANCE APPROVED		JF
10/30/1995	140	ASGN FILED	FROM URE;	JF
12/06/1995	139	ASGN APPROVED	TO LINN;	JF
12/16/2005	913	CONFORMED TO SRVY/RESRVY		
07/01/2031	853	COMPL/REVIEW DUE DATE		JF
01/28/2032	763	EXPIRES		

Serial Number: IDI--- - 004695

Line Nr	Remarks
0001	ALBERT W URE & ALICE K URE ARE THE LEGAL SUCCESSORS
0002	IN INTEREST TO A DECREE FROM THE TETON CNTY DIST
0003	COURT DATED 12/16/1910 PROVIDING FOR THE USE OF 15"
0004	OF THE WATERS OF JUANITA SPRINGS
0005	SAID DECREE WAS ORIGINALLY OBTAINED BY EMIL A STAHN
0006	6" CONCRETE IRRIGATION PIPELINE IS 30' WIDE.
0007	12/6/95 THE URE'S SOLD THEIR PROPERTY 17 YEARS AGO
0008	WITHOUT ASSIGNING THE R/W TO THE NEW OWNERS. THE
0009	PROPERTY WAS SOLD AGAIN BEFORE BEING PURCHASED BY
0010	THE CURRENT OWNER, PETER V. LINN. MR. URE HAS DIED
0011	BUT MRS. URE ASSIGNED HER RIGHTS TO MR. LINN. WHILE
0012	THIS CASE TYPE DOES'NT PROVIDE FOR ASSIGNMENT, A
0013	MANAGEMENT DECISION WAS MADE TO ALLOW IT AND TO
0014	WAIVE THE \$50 FEE.
0015	*****
0016	RESURVEY APPROVED 12/16/2005

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Run Time: 11:50 AM

Page 2 of 2

CASE RECORDATION
(MASS) Serial Register Page

Run Date: 03/27/2012

0017	OLD DESC:T4N R46E SEC 31:LOT 6
0018	NEW DESC:T4N R46E SEC 31:LOT 11

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Tuesday, March 27, 2012 10:01 AM
To: 'James Ramage'
Subject: RE: Linn Transfer
Attachments: map.pdf

James,

Sorry, I found another issue. Would you please verify the Points of Diversion for this application.

We currently have the existing point of diversion for these rights as T04N, R46E, Sec. 32 of the NENENW quarter (appears to be an error).

The application requests two NEW points of diversion, one in Sec. 30 of the NWSESW quarter from the creek, on property owned by the applicant.

The second is located in Sec. 31 of the SWNWNE quarter from the spring, on property owned by BLM. Because this point of diversion is located on property owned by someone other than the Linn's, I need something showing they have permission from the BLM. Generally in the form of an easement agreement, or a letter from the BLM stating that no easement is required.

I included a map for your reference. If you have any questions please let me know.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"Life is a sum of all your choices."
-Albert Camus

From: James Ramage [<mailto:james@vwepc.com>]
Sent: Tuesday, March 27, 2012 9:15 AM
To: Mathews, Kerrie
Subject: RE: Linn Transfer

Good morning Kerrie,

Sorry about that and thanks for catching it. Here is a revised page 2. Let me know if you need anything else.

Sincerely,

James B. Ramage, PE
ValleyWest
Engineering PC

From: Mathews, Kerrie [<mailto:Kerrie.Mathews@idwr.idaho.gov>]
Sent: Tuesday, March 27, 2012 9:06 AM

To: James Ramage
Subject: Linn Transfer

Good Morning;

I was finishing my final review of the transfer application submitted on behalf of Mr. & Mrs. Linn. I found an error I was hoping that you could correct and then email me the new page. On the second page of the application under description, water right 22-2095 should be for .19 cfs for irrigation. The application currently lists .18cfs, would you please correct?

If you have any questions please let me know.

Thanks,

Kerrie A Mathews
Water Resources Agent
Idaho Department of Water Resources
208.525.7161

"Everyone thinks of changing the world, but no one thinks of changing himself."
-Leo Tolstoy

Km Calculations

PRECIPITATION DEFICIT CALCULATION FOR PONDS

MONTHLY	MM/DAY												TOTAL MM	TOTAL FEET	Pond Size AF needed
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC			
Surface Area in ACRES	0	0.02	0.4	1.37	2.08	3.16	3.33	3.15	1.94	0.95	0	0	501.87	1.6	0.30
MM/Day	0	0.56	12.4	41.1	64.48	94.8	103.2	97.7	58.2	29.5	0	0	150.561	0.493966536	0.493967
	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0	0	0
	0	0.17	3.72	12.33	19.34	28.4	30.97	29.3	17.5	8.84	0	0	150.561	0.493966536	0.493967
													acres		
													needed		
													Evap		

Pond size W in ft L in ft = sq ft Acres

Total AF for Pond 0.96

DAYS

28 Feb	30 June
31 March	31 July
30 April	31 August
31 May	30 Sept
	31 Oct

Crop Type = Grass Pasture (low management)
CIR AF/ACRE 1.63

Pond Size ACRES 0.30
AVERAGE depth in FEET 1.56
AF NEEDED TO FILL POND 0.47

← 0.30 * 1.56 feet * 0.4

Data Entry in Green

ET *Idaho* 2009: Evapotranspiration and Consumptive

Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2010, University of Idaho.

Driggs (NWS --102676)

Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass Pasture - low management															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	0.05	0.04	0.10	0.24	1.64	4.16	4.31	3.99	1.98	0.15	0.49	0.26	497	-20	476
15-Day Moving Average ^d	0.05	0.00	0.10	0.21	1.63	4.09	4.29	3.93	1.81	0.11	0.46	0.21			
7-Day Moving Average ^e	0.06	0.01	0.09	0.20	1.62	4.09	4.31	3.97	1.88	0.12	0.50	0.22			
3-Day Moving Average ^f	0.05	0.04	0.09	0.22	1.63	4.15	4.31	4.00	1.94	0.15	0.50	0.25			
Standard Deviation	mm/day												mm		
Monthly	0.32	0.12	0.32	0.43	1.58	0.96	1.07	0.77	0.90	0.89	0.47	0.47	87	23	83
15-Day Moving Average	0.28	0.25	0.27	0.48	1.43	1.43	0.97	0.85	1.30	0.74	0.62	0.41			
7-Day Moving Average	0.42	0.42	0.43	0.67	1.79	1.96	1.52	1.24	1.77	1.27	0.88	0.58			
3-Day Moving Average	0.57	0.61	0.70	1.00	2.54	2.63	2.26	1.80	2.46	2.07	1.28	0.90			
20% Exceedance	mm/day												mm		
Monthly	0.03	0.11	0.20	0.38	2.46	4.98	5.01	4.40	2.67	0.09	0.16	0.02	575	0	558
15-Day Moving Average	0.17	0.25	0.44	0.69	3.86	5.56	5.52	4.96	3.81	0.68	0.18	0.14			
7-Day Moving Average	0.29	0.49	0.69	1.02	4.59	6.95	6.48	5.95	4.95	1.46	0.46	0.34			
3-Day Moving															

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2010, University of Idaho.

Driggs (NWS --102676) Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	0.70	0.02	0.40	1.37	2.08	3.16	3.33	3.15	1.94	0.95	0.15	0.68	455	0	455
15-Day Moving Average ^d	0.75	0.10	0.39	1.32	2.19	3.07	3.29	3.09	1.76	1.05	0.11	0.63			
7-Day Moving Average ^e	0.74	0.04	0.38	1.32	2.10	3.03	3.30	3.12	1.84	0.99	0.15	0.65			
3-Day Moving Average ^f	0.71	0.00	0.39	1.36	2.07	3.11	3.32	3.16	1.89	0.94	0.14	0.67			
Standard Deviation	mm/day												mm		
Monthly	0.99	0.65	1.07	0.93	1.56	1.10	1.27	0.89	1.07	1.37	0.62	1.16	127	0	127
15-Day Moving Average	0.97	0.93	0.90	1.25	1.54	1.67	1.14	1.06	1.37	1.24	0.82	0.91			
7-Day Moving Average	1.27	1.23	1.22	1.73	2.22	2.32	1.64	1.42	1.88	1.72	1.17	1.19			
3-Day Moving Average	1.71	1.64	1.77	2.32	3.15	2.92	2.38	1.97	2.64	2.52	1.64	1.69			
20% Exceedance	mm/day												mm		
Monthly	0.14	0.57	1.10	2.07	3.04	4.24	4.18	3.59	2.86	1.50	0.32	0.09	566	0	566
15-Day Moving Average	0.43	0.72	1.60	2.93	4.19	4.86	4.75	4.46	3.38	2.59	0.99	0.46			
7-Day Moving Average	0.72	1.30	2.15	3.89	5.05	5.52	5.14	4.73	4.18	3.02	1.63	0.77			
3-Day Moving															



LETTER OF TRANSMITTAL

RECEIVED

MAR 21 2012

TO:	Idaho Dept of Water Resources 900 N Skyline Drive, Suite A Idaho Falls, ID 83402	DATE:	Mar 19, 2012	Department of Water Resources Eastern Region
RE:	IDWR Application for Transfer and for Permits to appropriate			

INCLUDED HEREWITH:

COPIES	DATE	REMARKS
1	3/19/12	Transfer Application from Irrigation to Fire Pond Storage
1	3/19/12	Application for Permit to appropriate for Fire Pond flow-through
1	3/19/12	Application for Permit to appropriate for PWS (Groundwater)
1	3/19/12	Joint IDWR / COE Permit for work in Juanita Creek

Enclosed herewith are three water rights applications for the Linn Canyon Ranch in Teton County, as well as the joint IDWR/COE permit for the proposed diversion work in Juanita Creek.

The Teton County Fire Protection District is requiring that the Linn Canyon Ranch construct a fire pond. The proposed water source is Juanita Creek, a perennial stream at the ranch that sinks about a half mile downstream of the Linn property. Peter and Trudy Linn have existing irrigation rights from this source (22-535, 22-5095). They propose to transfer the prorata consumptive share from irrigation to fire pond storage and to offset the evaporative loss. A draft of the transfer application was reviewed by Blake Jordan of your office, and then discussed over the phone on March 12, 2012. Since in reality only 0.03 cfs is being transferred, the fee level for the transfer is being based on that threshold. A separate application for permit to appropriate for flow through in the fire pond is being submitted concurrently. The fire pond is a pit reservoir located directly adjacent to the source or Juanita Creek.

The other water right application is for a permit to appropriate groundwater associated with the public water supply system for the Linn Canyon Ranch. The guest ranch was initiated in 2004 and permitted as a public water supply with DEQ (PWS ID 7410039). The application addressed the future addition of guest cabins, and the facility plans showed these future connections. At that time the Ranch intended to operate the Guest Lodge and catering business, but did not intend to develop the cabins for some time. Therefore when the Drilling Permit was issued (D0035151), it was permitted for Lodge Use only. The Owners now intend to start constructing several cabins a year, and will connect them to the water system. Therefore, they are now in need of an appropriation for this commercial use.

Also included herewith is the joint IDWR / COE permit for the diversion work in Juanita Creek.

Sincerely,

SIGNED: James Ramage, PE