

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 76075**

This is to certify that: GRAND TETON CANAL CO LTD  
 PO BOX 1099  
 DRIGGS ID 83422  
 (208)354-2534

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

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 22-277A      | WR/Decreed          | 05/01/1892      | 109.97 cfs  | N/A           | N/A               | 6,911.1            | TETON CREEK   |

**Associated Water Rights Also Included in Transfer Approval (Update Conditions)**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 22-144       | WR/Decreed          | 01/22/1916      | 210 cfs     | N/A           | N/A          | 6,911.1      | TETON CREEK   |
| 22-4140      | WR/Decreed          | 01/22/1916      | 26.9 cfs    | N/A           | 1,346.0      | 6,911.1      | DRY CREEK     |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 22-277A               | NO           | NO         | NO         | NO             | YES                  | YES                  |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 22-277A               | <b>22-277A</b>                   | 109.97 cfs           | N/A                    | N/A               | 6,911.1            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>109.97 cfs</b>    | <b>N/A</b>             | <b>N/A</b>        | <b>6911.1</b>      |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 6<sup>th</sup> day of October, 20 10

  
 Water Resources Program Manager

SUPPORT DATA

IN FILE # 22-277A

**WATER RIGHT NO. 22-277A**  
**As Modified by Transfer No. 76075**

In accordance with the approval of Transfer No. 76075, Water Right No. 22-277A is now described as follows.

**Right Holder:** GRAND TETON CANAL CO LTD  
PO BOX 1099  
DRIGGS ID 83422

**Priority Date:** May 01, 1892

**Source:** TETON CREEK

**Tributary:** TETON RIVER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|------------------------------|--------------------|------------------|------------------------------|
| IRRIGATION FROM STORAGE      | 04/01              | to 10/31         |                              |
| DIVERSION TO STORAGE         | 04/01              | to 10/31         | 10.00 CFS                    |
| RECREATION STORAGE           | 01/01              | to 12/31         |                              |
| AESTHETIC STORAGE            | 01/01              | to 12/31         |                              |
| IRRIGATION                   | 04/01              | to 10/31         | 109.97 CFS                   |
| IRRIGATION STORAGE           | 01/01              | to 12/31         |                              |
|                              |                    |                  | <hr/> 109.97 CFS             |

**LOCATION OF POINT(S) OF DIVERSION:**

TETON CREEK                      L1 (NENWNE)    Sec. 20 Twp 05N    Rge 46E    TETON County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Grand Teton Canal Company.
3. The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).
4. The point of diversion for this water right is in Wyoming in T44N R18W, Section 29 NWNW. The point of diversion shown above is where the conveyance system enters Idaho.
5. Water is delivered through Grand Teton Canal.
6. 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.
7. 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).

**WATER RIGHT NO. 22-277A  
As Modified by Transfer No. 76075**

**CONDITIONS OF APPROVAL**

8. 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 water right is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
9. The diversion and use of water described in Transfer 76075 may be subject to additional limitations agreed to by the protestant(s) and the right holder under a separate agreement identified as Instrument No. 212995 that was filed with Teton County on September 2, 2010 ("agreement") to which the Department is not a party and which may be enforceable by a court of law.
10. Use of water for filling ponds under this water right shall not occur prior to May 15 in any year except as described in the agreement and authorized by the Water District 01 Watermaster when other rights would not be injured.
11. Aesthetic Storage, Recreation Storage and Irrigation Storage uses are for a series of ponds located within the service area of the Grand Teton Canal Company.
12. Right 22-277A authorizes diversion of water to be used for the initial fill or single annual refill of the ponds authorized to be developed under the water right and for the replacement of losses caused by evaporation from the reported ponds.
13. In the approval conditions of Transfer 76075 pertaining to this right, the term "mitigation" refers to the change in nature of use from irrigation use to irrigation storage, recreation storage and aesthetic storage uses under this right. Mitigation from another water right or water source is not required.
14. The right holder shall provide mitigation for every pond that cannot be filled within a 24-hour period by the amount of water available under the shares of Grand Teton Canal Company stock associated with the property on which the pond is located. Mitigation shall consist of a reduction in the number of acres irrigated under this water right. This right does not authorize more than 500 acres committed for mitigation purposes in any given year.
15. To eliminate seepage losses, the right holder shall ensure that an impermeable liner is installed and maintained in all ponds that require mitigation developed under this right.
16. On or before November 15 of each year the right holder shall submit to the department a report that includes the following information about the water diverted to storage in connection with this right:
  1. Pond Information for every pond receiving water under this water right including pond name, pond ID number, specific location, type, surface area in acres, capacity in acre-feet and type of lining.
  2. Grand Teton Canal Company Shareholder Information including owner name, stock certificate number(s) and total shares.
  3. Mitigation Requirements including the amount of water needed for the initial fill or single annual refill of each pond (identified separately) and for annual evaporation expressed in acre-feet.
  4. Actual Mitigation including irrigated acres dried-up, specific location of acres dried-up, former crop on dried-up acres, mitigation volume from acres dried-up, contributions of water from other sources, total quantity of mitigation water and mitigation surplus or deficit expressed in acre-feet.
  5. A geographic information system (GIS) shapefile or other map acceptable to the department depicting all reported ponds and specific acres dried-up for mitigation purposes.

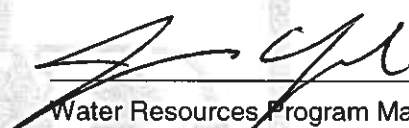
**WATER RIGHT NO. 22-277A**  
**As Modified by Transfer No. 76075**

**CONDITIONS OF APPROVAL**

17. Rights 22-277A, 22-144 and 22-4140 when combined shall not exceed the irrigation of 6911.1 acres and shall be reduced under all rights in direct proportion to annual pond development and mitigation requirements reported under Right 22-277A pursuant to approved Transfer 76075.
18. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
19. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
21. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6<sup>th</sup> day of October, 2010

  
Water Resources Program Manager

**WATER RIGHT NO. 22-144**  
**As Modified by Transfer No. 76075**

In accordance with the approval of Transfer No. 76075, Water Right No. 22-144 is now described as follows.

**Right Holder:** GRAND TETON CANAL CO LTD  
PO BOX 1099  
DRIGGS ID 83422

**Priority Date:** January 22, 1916

**Source:** TETON CREEK

**Tributary:** TETON RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15 to 10/31

**To**

**Diversion Rate**

210.00 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

TETON CREEK                      L1 (NWNE)                      Sec. 20 Twp 05N   Rge 46E   TETON County

**CONDITIONS OF APPROVAL**

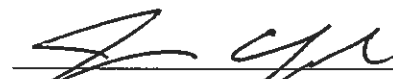
1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Grand Teton Canal Company.
3. The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).
4. The point of diversion for this water right is in Wyoming in T44N R118W, Section 29 NWNW. The point of diversion shown above is where the conveyance system enters Idaho.
5. Water is delivered through Grand Teton Canal.
6. Rights 22-277A, 22-144 and 22-4140 when combined shall not exceed the irrigation of 6911.1 acres and shall be reduced under all rights in direct proportion to annual pond development and mitigation requirements reported under Right 22-277A pursuant to approved Transfer 76075.
7. 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.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 22-144**  
**As Modified by Transfer No. 76075**

**CONDITIONS OF APPROVAL**

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6<sup>th</sup> day of October, 2010

  
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Water Resources Program Manager



**WATER RIGHT NO. 22-4140**  
**As Modified by Transfer No. 76075**

In accordance with the approval of Transfer No. 76075, Water Right No. 22-4140 is now described as follows.

**Right Holder:** GRAND TETON CANAL CO LTD  
PO BOX 1099  
DRIGGS ID 83422

**Priority Date:** January 22, 1916

**Source:** DRY CREEK

**Tributary:** TETON CREEK

**BENEFICIAL USE**

IRRIGATION

**From**

04/15 to 10/31

**To**

**Diversion Rate**

26.90 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

DRY CREEK

SWSNW

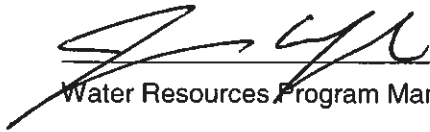
Sec. 7 Twp 05N Rge 46E TETON County

**CONDITIONS OF APPROVAL**

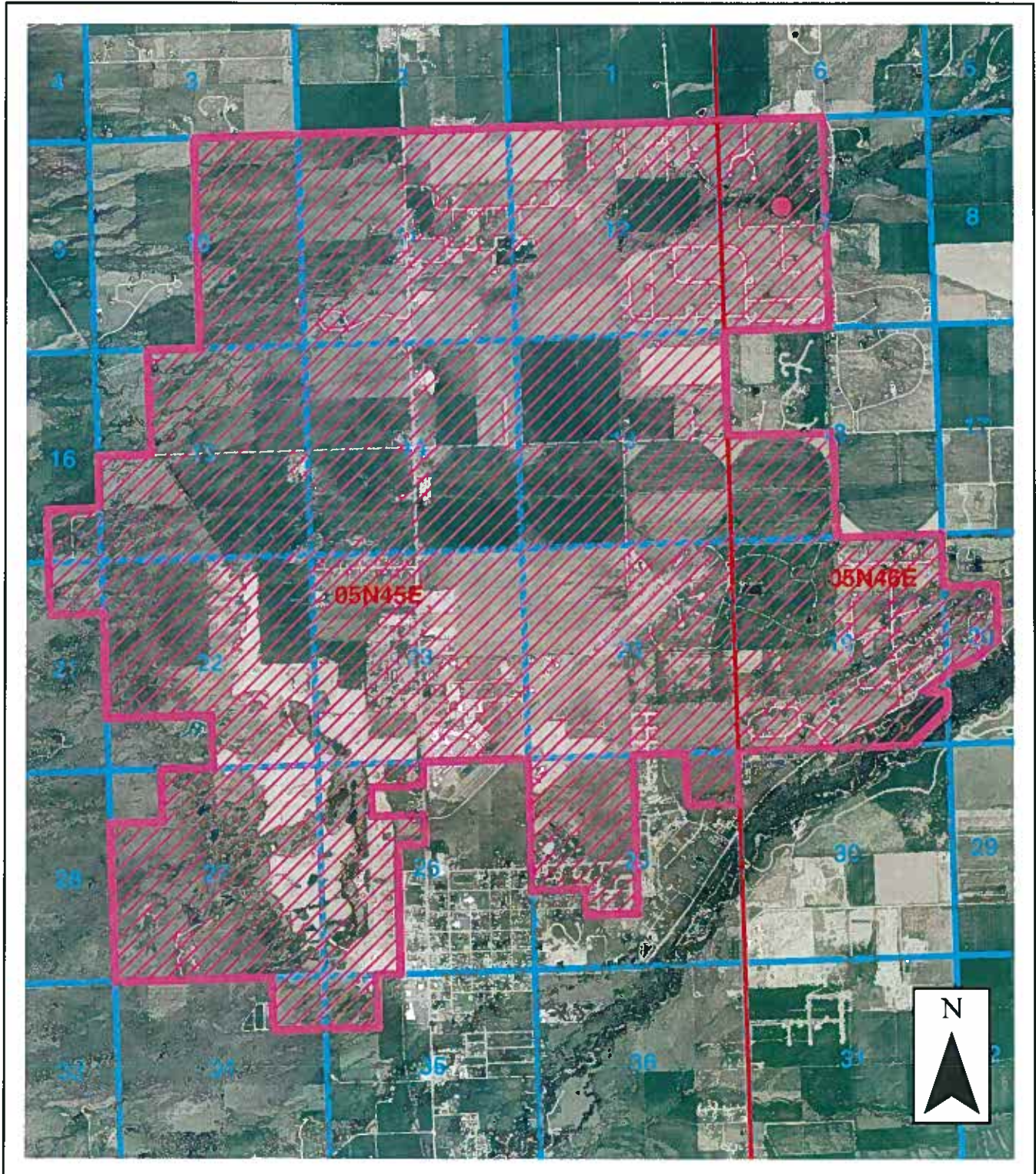
1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Grand Teton Canal Co.
3. This right is limited to the irrigation of 1346 acres within the place of use described above in a single irrigation season.
4. Rights 22-277A, 22-144 and 22-4140 when combined shall not exceed the irrigation of 6911.1 acres and shall be reduced under all rights in direct proportion to annual pond development and mitigation requirements reported under Right 22-277A pursuant to approved Transfer 76075.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6<sup>th</sup> day of October, 20 10

  
Water Resources Program Manager

# Grand Teton Canal Company Service Boundary Water Rights 22-277A, 22-4140 and 22-144



Map prepared on September 30, 2010 using 2009 Aerial Photography.