

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74119

This is to certify that: TARGHEE HILL ESTATES WATER COMPANY
 1777 SUN PEAK DR
 PARK CITY UT 84098
 (435)645-9005

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>
22-13628	WR/Decreed	09/01/1891	0.61 cfs	N/A	72.0	80.0	TETON CREEK
22-13630	WR/Decreed	01/22/1916	1.32 cfs	N/A	N/A	80.0	TETON CREEK

Purpose of Transfer (Changes Proposed)

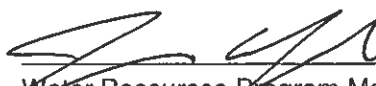
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13628	NO	NO	NO	NO	YES	YES
22-13630	NO	NO	NO	NO	YES	YES

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>
22-13628	22-13628	0.61 cfs	N/A	66.3	73.7		N/A	N/A	N/A	N/A
22-13630	22-13630	1.32 cfs	N/A	N/A	73.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.93 cfs	N/A	73.7	73.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of April, 20 10


 Water Resources Program Manager

SUPPORT DATA

IN FILE # 22-13628

WATER RIGHT NO. 22-13628
As Modified by Transfer No. 74119

In accordance with the approval of Transfer No. 74119, Water Right No. 22-13628 is now described as follows.

Right Holder: TARGHEE HILL ESTATES WATER COMPANY
 1777 SUN PEAK DR
 PARK CITY UT 84098

Priority Date: September 01, 1891

Source: TETON CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	04/15	to 10/31	0.05 CFS	12.5 AF
AESTHETIC STORAGE	01/01	to 12/31		10.0 AF
IRRIGATION	04/15	to 10/31	0.56 CFS	

LOCATION OF POINT(S) OF DIVERSION:

TETON CREEK L2 (SWNE) Sec. 20 Twp 05N Rge 46E TETON County

PLACE OF USE: AESTHETIC 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 46E 20											X	X			X		L 4

PLACE OF USE: IRRIGATION

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 46E 20											15.7	31.3			26.7		73.7
															L 4		

Total Acres: 73.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 66.3 acres within the authorized place of use in a single irrigation season.
2. Rights 22-13628 and 22-13630 when combined shall not exceed the irrigation of 73.7 acres.
3. 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.
4. 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. 22-13628
As Modified by Transfer No. 74119**

CONDITIONS OF APPROVAL

5. Right(s) 22-13628 and 22-13630 authorize the diversion of an annual total of 13.8 acre-feet to be used for the initial filling of the pond(s) and for the replacement of losses caused by evaporation.
6. 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.
7. The 4 pond(s) established by the storage of water under rights 22-13628 and 22-13630 shall not exceed a total capacity of 10.0 acre-feet or a total surface area of 2.28 acres.
8. The right holder shall install and maintain an impermeable liner in the ponds to eliminate seepage losses.
9. Diversion of water under transfer 74119 is subject to the terms stated in the Settlement Agreement for Application for Transfer No 74119, recorded in Teton County on January 16, 2008 as instrument # 202354.
10. The quantity of water diverted under this water right shall be from the portion awarded to Wyoming and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 20 SESESE, 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.
14. Water is delivered through Waddell Ditch.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Place of use is located within the Targhee Hill Estates Subdivision.
17. 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.
18. 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.

WATER RIGHT NO. 22-13628
As Modified by Transfer No. 74119

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 14th day of April, 20 10



Water Resources Program Manager



Right Holder: TARGHEE HILL ESTATES WATER COMPANY
1777 SUN PEAK DR
PARK CITY UT 84098

Source: TETON CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.22 CFS	
DIVERSION TO STORAGE	04/15	to 10/31	0.10 CFS	13.8 AF
AESTHETIC STORAGE	01/01	to 12/31		10.0 AF

TETON CREEK L2 (SWNE) Sec. 20 Twp 05N Rge 46E TETON County

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
05N	46E	20											15.7	31.3			26.7		73.7
																L 4			

PLACE OF USE: AESTHETIC 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 46E 20												X	X			X	4

WATER RIGHT NO. 22-13630
As Modified by Transfer No. 74119

CONDITIONS OF APPROVAL

1. Rights 22-13628 and 22-13630 when combined shall not exceed the irrigation of 73.7 acres.
2. 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.
3. 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).
4. Right(s) 22-13628 and 22-13630 authorize the diversion of an annual total of 13.8 acre-feet to be used for the initial filling of the pond(s) and for the replacement of losses caused by evaporation.
5. The 4 pond(s) established by the storage of water under rights 22-13628 and 22-13630 shall not exceed a total capacity of 10.0 acre-feet or a total surface area of 2.28 acres.
6. 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.
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12. The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 20 SESESE, 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.
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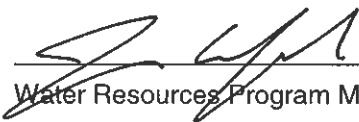
WATER RIGHT NO. 22-13630
As Modified by Transfer No. 74119

CONDITIONS OF APPROVAL

15. Place of use is located within the Targhee Hill Estates Subdivision.
16. 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.
17. 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.

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 14th day of April, 2010


Water Resources Program Manager

