

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAY 26 2009

Department of Water Resources
Eastern Region

Name of Applicant TMW Properties LLC Phone 208-313-1582
Mailing address 375 W 775 S, Victor, ID 83455 Email tim@northforknativeplants.com

- ☒ 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] Timothy Watters, Managing Member 5/20/09
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change Point of Diversion ☐ Add diversion point(s) ☐ Change Place of use
☒ Change Nature of Use ☐ Change Period of Use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation used to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attached additional pages if necessary and label it **Part 1A.2**. Applicant has entered into a contract with the NRCS to establish wetland improvements for waterfowl habitat on the existing place of use. This transfer is to change the nature of use of the existing surface water right to provide for the fill and maintenance of the two wetland areas.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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. <u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
<u>22-646</u>	<u>1.01</u> cfs	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>	<u>Deep Creek</u>
_____	<u>0.09</u> cfs	<u>Diversion to Storage</u>	<u>4/15</u> to <u>10/15</u>	<u>Deep Creek</u>
_____	<u>8.6</u> AF	<u>Wildlife Storage</u>	<u>4/15</u> to <u>10/15</u>	<u>Deep Creek</u>
_____	_____ cfs	_____	_____ to _____	_____
_____	_____ cfs	_____	_____ to _____	_____
_____	_____ cfs	_____	_____ to _____	_____
Total <u>1.10</u>		cfs and/or _____	ac-ft	

11/24/2008

2. Total amount of water being transferred or changed 0.09 cubic feet per second and/or 8.6 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 proposed 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				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	45E	5											18.1	14.4					32.5
														W					
		8					10.3	1.7											12
							W												

Total Acres (for irrigation use) 44.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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: Diversion system will continue as historically practiced with headgate to ditches for flood irrigation. Water control structures on the ponds will maintain pond size at site.

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? 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: NONE

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgage, 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:

A total of 4.2 acres will no longer be irrigated upon approval of this transfer. Lands not to be irrigated include: 1.9 ac of wetlands/ponds, 0.3 ac of dikes, 0.6 ac of spoil areas, 0.9 ac of building footprints and roadways, and 0.5 ac of pasture.

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: No other water rights share the same place of use or point 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1 B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>) Label it **Part 2A**.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed. If the entire right is Proposed to be changed, Part 2B is not applicable.

Right Number: _____

1. Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
- Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
- Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
- Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
- Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
- Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
- Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
- Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Lands irrigated or place of use: (if irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

WATER RIGHT NO. 22-646

Owner Type Name and Address

Current Owner TMW PROPERTIES LLC
 375 W 775 S
 VICTOR, ID 83455

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

Source Tributary

DEEP CREEK DRAKE CREEK

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/15 10/15 1.1 CFS

Total Diversion 1.1 CFS

Location of Point(s) of Diversion:

DEEP CREEK NWNENW Sec. 08 Township 03N 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>
03N	45E	5		SWSW 20		SESW	15							
		8		NENW 12		NWNW	1.7							

Total Acres: 48.7

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the 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.

**AUTHORIZING RESOLUTION OF
TMW PROPERTIES, LLC**

October 9, 2001

WHEREAS, on or about September 6, 2001, Timothy and Margot Watters, and/or assigns, entered into that certain Real Estate Purchase and Sale Agreement (the "Agreement") between Timothy and Margot Watters, and/or assigns as Buyer and Leif Nelson, Robert Kinney and Mike Stears, as Seller for the purchase of 123 acres more or less of undeveloped land located on Cedron Road, Victor, Teton County, Idaho more particularly described on Exhibit A (the "Property") hereto; and

WHEREAS, on or about October 5, 2001, TMW entered into that certain Contract to Purchase Conservation Easement (the "Easement Contract") between TMW as Seller and The Teton Regional Land Trust, Inc., as Purchaser wherein TMW has agreed to sell and The Teton Regional Land Trust, Inc. has agreed to purchase a portion of the conservation easement in perpetuity encumbering the property more particularly described on Exhibit B hereto; and

WHEREAS, on or about October 12, 2001, TMW will enter into that certain Conservation Easement (the "Easement") between TMW as Grantor and The Teton Regional Land Trust, Inc., as Grantee wherein TMW will voluntarily grant and convey to Grantee a conservation easement in perpetuity encumbering the property more particularly described on Exhibit B hereto; and

WHEREAS, on or about October 9, 2001, Timothy and Margot Watters assigned all of their right, title and interest in and to the Agreement to TMW PROPERTIES, LLC ("TMW") and TMW assumed all of Timothy and Margot Watters' obligations pursuant to the Agreement; and

* * WHEREAS, Timothy Watters is Managing Member of TMW; and

WHEREAS, TMW has agreed to execute and deliver all documents and other items necessary to consummate the transactions contemplated in the Agreement, the Easement Contract and the Easement.

* NOW, THEREFORE, BE IT RESOLVED that the Managing Member of TMW is hereby authorized to execute in the name and on behalf of TMW any documents as the Managing Member may, in his sole discretion, determine appropriate to effect the consummation of the transactions contemplated in the Agreement and the Easement, said determination to be conclusively evidenced by his execution thereof.

* BE IT FURTHER RESOLVED, that the Managing Member of TMW be, and is hereby authorized to execute or cause to be executed such documents and other writings, and to take or do or cause to be taken or done such other actions and things, and may be necessary or desirable to effectuate the purposes and intent of the foregoing resolution.

IN WITNESS WHEREOF, the undersigned, being all of the Members of TMW, have hereunto executed this Authorizing Resolution effective as of the date first written above.

TIMOTHY M. WATTERS REVOCABLE TRUST DATED JUNE 29, 1999

By Timothy M. Watters Timothy M. Watters, Trustee

MARGOT C. WATTERS REVOCABLE TRUST DATED JUNE 29, 1999

By Margot C. Watters Margot C. Watters, Trustee

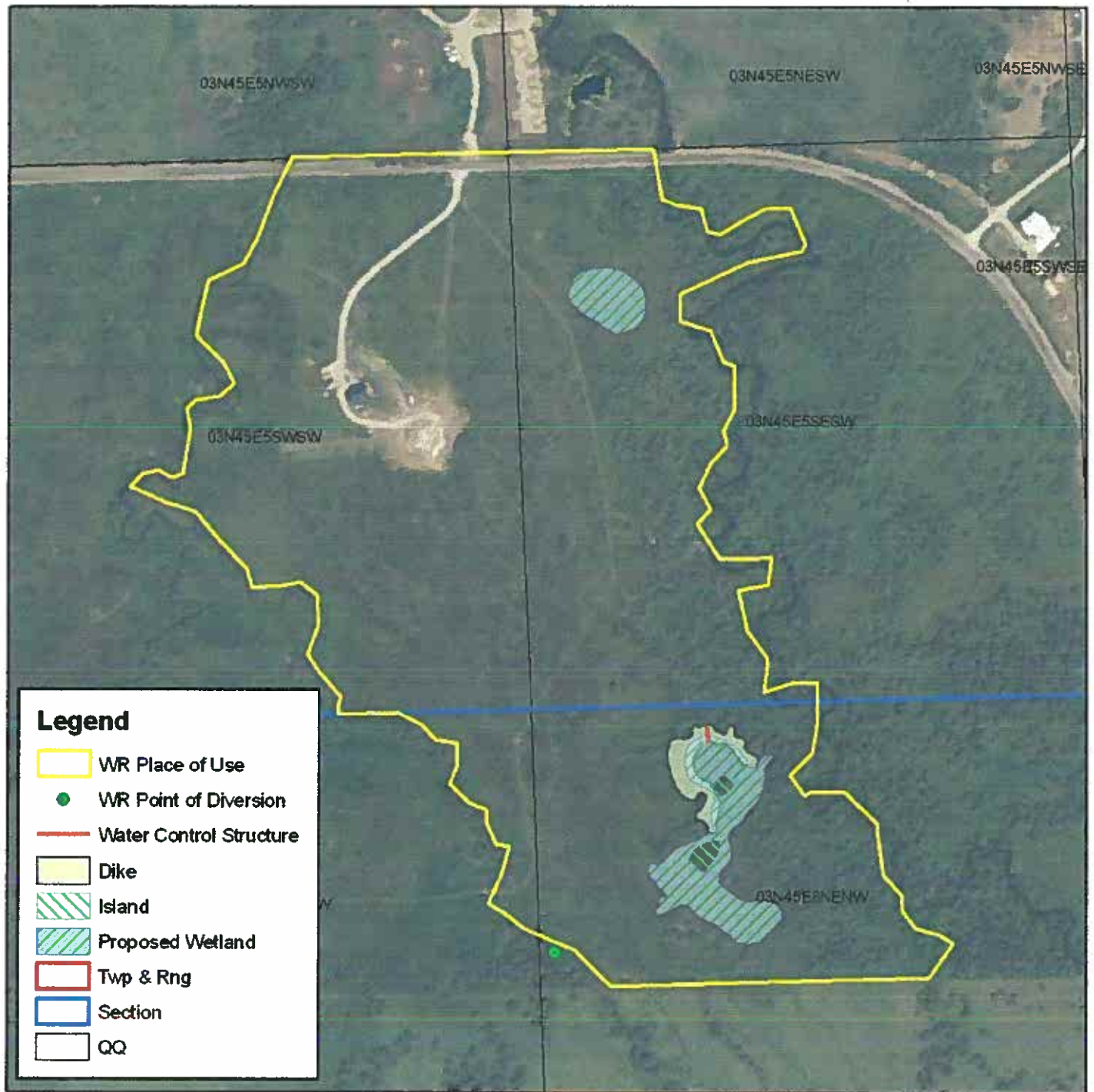
PARKER B. CONDIE REVOCABLE TRUST DATED APRIL 24, 1991, AS
AMENDED

By Parker B. Condie Parker B. Condie, Trustee

Attachment #7a

Application for Transfer

TMW Properties LLC



0 250 500 1,000 Feet

2004 NAIP Photography

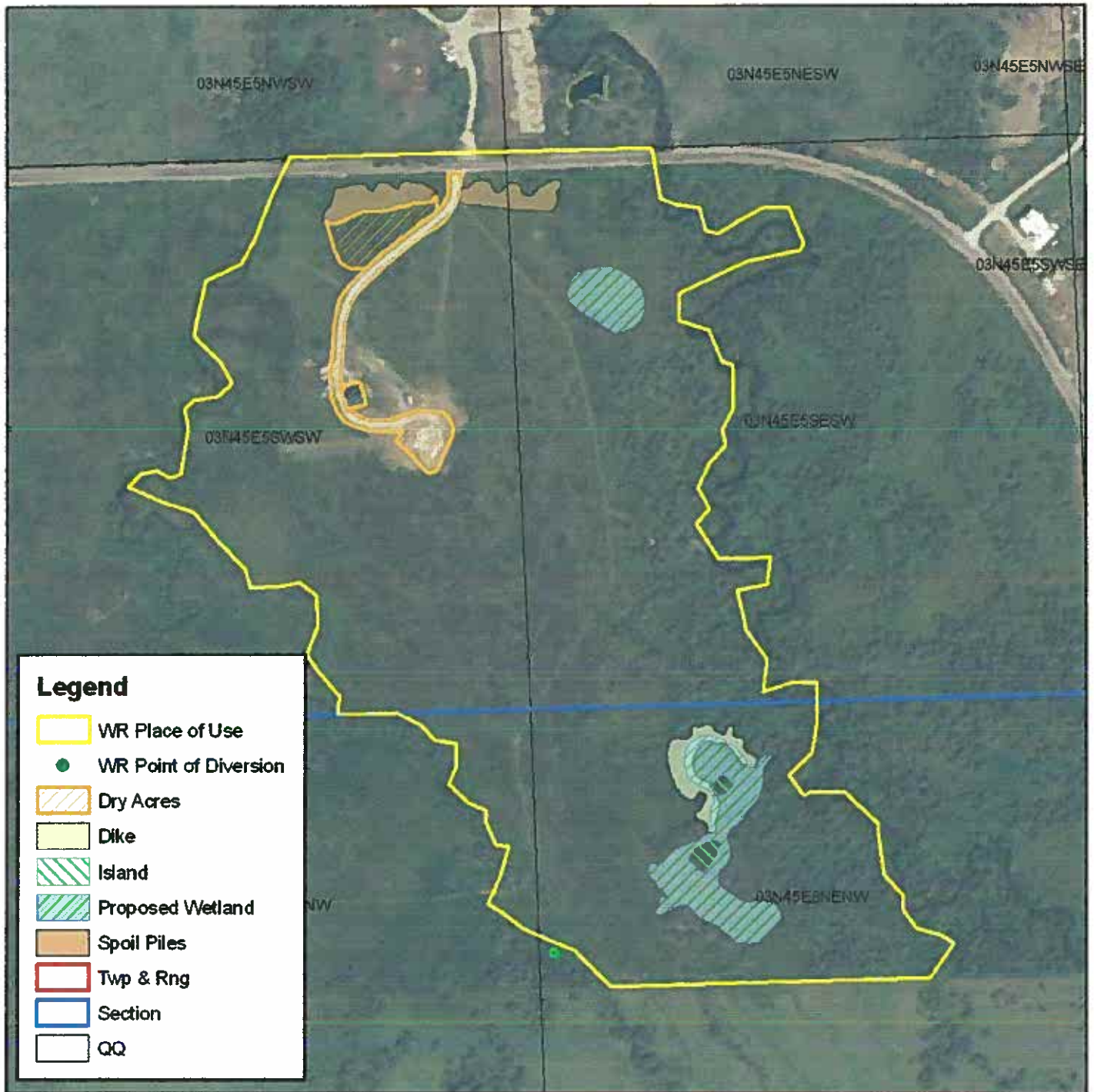


75 64 6

Attachment #7b

Application for Transfer

TMW Properties LLC



0 250 500 1,000 Feet

2004 NAIP Photography



Pond Calculations
Climate Station: Driggs, Idaho 102676
Project Name: Tim Watters

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)	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9
Total Pond Loss (ac-in)	0.0	0.0	0.6	2.3	4.4	6.5	10.5	8.4	4.8	1.7	0.6	0.0	39.7
Total Pond Loss (ac-ft)	0.0	0.0	0.0	0.2	0.4	0.5	0.9	0.7	0.4	0.1	0.1	0.0	3.3 ^{#7}

Irrigation Consumption Crop

4 = (Precipitation Deficit Growing Season, Site & Crop Specific (mm))

Mean Irr. Requirement (ac-in/ac/season) = 24.7

Mean Irr. Requirement (ac-ft/ac/season) = 2.06

Acres to dry up for pond use = 1.61 rounded = 1.6 # 8 = [(Pond Loss Total (#7)) + (Mean Irrig. Req (#6))]

Summary

Original Surface Water Right 22-646	Diversion Rate (cfs)	Place of Use (acres)	cfs per acre	AF per acre (#6)
	1.1	48.7	0.023	2.06
Amount of Water Needed For Evaporation	Pond Surface Area (acres)	Acres Equivalent to Evaporation Use (#8)	cfs required	AF (#7) Required
	1.9	1.6	0.036	3.3
Amount of Water Needed for Pond Fill	Pond Volume (AF)	Acres Equivalent to Pond Fill	cfs required	AF Required
	5.30	2.6	0.058	5.30
Total Water Needed for Transfer	For Evaporation	For Pond Fill	Sum	Rounded Totals
cfs	0.04	0.06	0.09	0.09 cfs
AF	3.3	5.30	8.61	8.6 AF
acres	1.60	2.58	4.18	4.2 acres

#1 - Molnau, Myron, Kpodze, 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> - See attached:

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

#4, 5 & 6 - <http://www.kimberly.uidaho.edu/ET Idaho/> Precipitation Deficit values used synonymously w/mean irrigation requirement. Values from Allen, Richard G. & Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration & Consumptive Irrigation Water Requirements - Idaho. Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID.



Mitigation Plan
Application for Transfer of Water Right No. 22-646
TMW Properties, LLC

In recent years, TMW Properties, LLC purchased the subject property located west of Victor, Idaho and built a new home, barn, and driveway on ground that was previously irrigated pasture under water right 22-646, an irrigation right for 1.1 cfs out of Deep Creek. The applicant has entered into a contract with the NRCS to create the south wetland area (located in the NENW of Section 8) for waterfowl habitat. Total surface area of the south wetland contracted with the NRCS will be 1.4 acres with a total volume of 3.5 AF. In addition to the contracted wetland area, the applicant proposes to create a north wetland area (located in the SESW of Section 5) with a surface area of 0.5 acre and a total volume of 1.8 AF. The two wetlands will have a total surface area of 1.9 acres and a total volume of 5.3 AF. The wetlands will only be maintained during the normal irrigation season. Outside of the irrigation season, the wetlands will be allowed to drain completely. This application for transfer seeks to change the nature of use of water right 22-646 for Diversion to Storage and Wildlife Storage. The remaining portion of the water right will continue to be used for irrigation purposes.

Annual refill of the wetlands will be necessary since they will not be maintained during the non-irrigation season. Historically, grass hay has been irrigated on this property. According to the Driggs, Idaho NOAA Station, grass hay has a consumptive use volume of 2.06 AF/ac/season. A volume of 5.3 AF is needed to provide for the annual fill of both wetland areas. Calculations (see Attachment #8a) show that 2.6 acres ($5.3 \text{ AF} \div 2.06 \text{ AF/ac} = 2.6 \text{ ac}$) are necessary to dry up to transfer 5.3 AF to the wetlands for storage.

Throughout the year, the wetlands may potentially lose 3.3 AF to evaporation (see Attachment #8a). Using the same historical consumptive use of grass hay, 1.6 acres ($3.3 \text{ AF} \div 2.06 \text{ AF/ac} = 1.6 \text{ ac}$) are necessary to dry up to compensate for evaporative losses.

Seepage losses are not anticipated since the wetlands are located within a delineated wetland area. The attached map from Intermountain Aquatics identifies the lands delineated as wetlands. Due to the saturated nature of the wetlands, seepage losses are unlikely.

For both annual fill and evaporative losses, a total of 4.2 acres must be dried up and the nature of use of that portion must be changed. With additions of the home, barn, and driveway, some acres have already been taken out of irrigation since the applicant purchased the property. Acres have been identified (see Attachment #7b) that will no longer be irrigated upon approval of this transfer: 0.9 ac of the new house, barn, and driveway; 0.6 ac of spoil piles; 1.9 ac of wetlands; 0.3 ac of dikes developed around the south wetland area; and 0.5 ac of pasture for a total of 4.2 ac to be dried up.

Approval of the proposed changes will allow the applicant to complete the establishment of the wetland areas on his property for seasonal waterfowl habitat without expansion of the water right.

AMENDED

75 646



- Upland Areas
- Existing Wetland
- Proposed Wetland
- Stockpile Area
- **No Hatch means Wetland Area

Watters Property

Wetland Delineation



**INTERMOUNTAIN
AQUATICS INC.**
1000 N. 1000 E. Suite 100, Provo, UT 84601
 (801) 734-1000 Fax: (801) 734-1001
www.intermountainaquatics.com

Scale: 1" = 100'



REVISIONS:

DATE: JAN 24, 2008

DRAWN BY: AUC

CHECKED BY:

APP. NAME: *[Signature]*

PROJECT: *[Signature]*

Mitigation Plan
Application for Transfer of Water Right No. 22-646
TMW Properties, LLC

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SUPERCEDED

Kovner 12/6/08

PARTICIPANT		COUNTY AND STATE	PROGRAM AND CONTRACT NUMBER	SUBACCOUNT
TMW PROPERTIES LLC		TETON County, ID	WHIP 2002 7202115A831	WHIP FA
LAND UNITS OR LEGAL DESCRIPTION		ACRES	MODIFICATION NUMBER AND DATE	EXPIRATION DATE
116 acres in the SW1/4 S5-T3N-R45E and NW1/4 S8-T3N-R45E		116	2 -- N/A	9/30/2010

Ponds are planned to be constructed to create three wetland marshes for waterfowl habitat. Components include excavation, fill, vegetation, and water control structures. A state water right and appropriate state and federal permits are required before construction. Refer to the NRCS Design and Construction Specifications 378, 587, 658, and 657 for details.

Fields:

Tract: 0 Fields: 2;

Contract Item	Planned Conservation Treatment	Planned Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR				
					2005	2006	2007	2008	2009
3	Wetland Creation(658)	2 ac			\$	\$	\$	\$	\$
3a	All Components (Job Est)	2 Ac.	\$12,500,000 / Ac.	75%AM				18,750	18,750

Contract Item 3: Wetland Creation(658)

Integrated pest management may be used to control weeds with goat grazing and with biological releases of insects, however Canada thistle is expected to continue needing spot treatment with herbicide. The fields should be regularly checked for noxious weeds and controlled prior to seeding seed. Herbicides will be used according to the chemical label and applied to minimize leaching and surface runoff. An adequate setback from water will be needed and caution should be used when applying herbicides near trees. Refer to the Pesticide Management Worksheet for an environmental risk analysis of herbicides

Fields:

Tract: 0 Fields: 1, 2, 3, 4, 5, 6;

Contract Item	Planned Conservation Treatment	Planned Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR				
					2005	2006	2007	2008	2009
6	Pest Management(595)	40 ac			\$	\$	\$	\$	\$
6a	Noxious Weed Control - Non-Cropland (max \$5,000 / year x 3 years)	40 Ac.	\$40,00000 / Ac.	75%AM				1,200	1,200

Contract Item 6: Pest Management(595)

Fences will be installed to exclude livestock from the riparian and wetland areas. Refer to the Fence Design and Construction Specification 382 for details.

Fields:

Tract: 0 Fields: 2;

Contract Item	Planned Conservation Treatment	Certified Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR				
					2005	2006	2007	2008	2009
1	Fence(382)	4424 ft			\$	\$	\$	\$	\$
1a	4 Strand Wire	4424 Ft.	\$1.80000 / Ft.	75%AM	5,972				

PARTICIPANT TMW PROPERTIES LLC		COUNTY AND STATE TETON County, ID		PROGRAM AND CONTRACT NUMBER WHIP 2002 7202115A831		SUBACCOUNT WHIP FA	
LAND UNITS OR LEGAL DESCRIPTION 116 acres in the SW1/4 S5-T3N-R45E and NW1/4 S8-T3N-R45E				MODIFICATION NUMBER AND DATE 2 --- N/A		EXPIRATION DATE 9/30/2010	
		ACRES 116					

Contract Item: Fence (382)

Fences will be installed to exclude livestock from the riparian and wetland areas. Refer to the Fence Design and Construction Specification 382 for details.

Fields:

Tract: 0 Fields: 2;

Contract Item	Planned Conservation Treatment	Certified Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR				
					2005	2006	2007	2008	2009
2	Fence(382)	1910 ft			\$	\$	\$	\$	\$
2a	4 Strand Wire	1910 Ft.	\$1,8000/ Ft.	75%AM			2,579		
							2,579		

Contract Item: Noxious Weed Control (595)

Integrated pest management may be used to control weeds with goat grazing and with biological releases of insects, however Canada thistle is expected to continue needing spot treatment with herbicide. The fields should be regularly checked for noxious weeds and controlled prior to setting seed. Herbicides will be used according to the chemical label and applied to minimize leaching and surface runoff. An adequate setback from water will be needed and caution should be used when applying herbicides near trees. Refer to the Pesticide Management Worksheet for an environmental risk analysis of herbicides.

Fields:

Tract: 0 Fields: 1, 2, 3, 4, 5, 6;

Contract Item	Planned Conservation Treatment	Certified Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR				
					2005	2006	2007	2008	2009
4	Pest Management(595)	35.4 ac			\$	\$	\$	\$	\$
4a	Noxious Weed Control - Non-Cropland (max \$5,000 / year x 3 years)	35.4 Ac.	\$40,0000/ Ac.	75%AM		592			
						592			

Contract Item: Noxious Weed Control (595)

Integrated pest management may be used to control weeds with goat grazing and with biological releases of insects, however Canada thistle is expected to continue needing spot treatment with herbicide. The fields should be regularly checked for noxious weeds and controlled prior to setting seed. Herbicides will be used according to the chemical label and applied to minimize leaching and surface runoff. An adequate setback from water will be needed and caution should be used when applying herbicides near trees. Refer to the Pesticide Management Worksheet for an environmental risk analysis of herbicides.

Fields:

Tract: 0 Fields: 1, 2, 3, 4, 5, 6;

Contract Item	Planned Conservation Treatment	Certified Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR				
					2005	2006	2007	2008	2009
5	Pest Management(595)	21.7 ac			\$	\$	\$	\$	\$
5a	Noxious Weed Control - Non-Cropland (max \$5,000 / year x 3 years)	21.7 Ac.	\$40,0000/ Ac.	75%AM			559		
							559		

Basis for Modification or Revision

US DEPARTMENT OF AGRICULTURE NATIONAL RESOURCES SERVICE WATER RESOURCES DIVISION WATER RESOURCES DIVISION WATER RESOURCES DIVISION		COUNTY AND STATE TETON County, ID		PROGRAM AND CONTRACT NUMBER WHIP 2002 7202115A831		SUBACCOUNT WHIP FA			
PARTICIPANT TMW PROPERTIES LLC		LAND UNITS OR LEGAL DESCRIPTION 116 acres in the SW1/4 S5-T3N-R45E and NW1/4 S8-T3N-R45E		ACRES 116		MODIFICATION NUMBER AND DATE 2 -- N/A		EXPIRATION DATE 9/30/2010	

CIN 3 and 6 are completed, just waiting on documentation from contract holder to finish the payment. This modification is to move forward these items to bring contract into compliance and to correct signatures. LM 12/4/2008

PARTICIPANT TMW PROPERTIES LLC		COUNTY AND STATE TETON County, ID	PROGRAM AND CONTRACT NUMBER WHIP 2002 7202115A831		SUBACCOUNT WHIP FA
LAND UNITS OR LEGAL DESCRIPTION 116 acres in the SW1/4 S5-T3N-R45E and NW1/4 S8-T3N-R45B		ACRES 116	MODIFICATION NUMBER AND DATE 2 -- N/A		EXPIRATION DATE 9/30/2010

Year	2005	2006	2007	2008	2009				
Amount(\$)	\$5,972	\$592	\$3,138		\$19,950				\$29,652

NOTES: A. All items numbers on form NRCS-CPA-1156 must be carried out as part of this contract to prevent violation.

B. When established, the conservation practices identified by the numbered items must be maintained by the participant at no cost to the government.

C. All cost share rates are based on average cost (AC) with the following exceptions:

AA = Actual cost not to exceed average cost; FR = Flat Rate; NC = Non cost-shared; AM = Actual cost not to exceed a specified maximum; PR = Payment rates.

D. By signing, the participant acknowledges receipt of this conservation plan including this form NRCS-CPA-1156 and agrees to comply with the terms and conditions here of.

Signature TMW PROPERTIES LLC	Date	Signature TMW Properties LLC by <i>[Signature]</i>	Date
Signature: District Conservationist - Technical Adequacy Certification		Approved by - Concurrence of NRCS Representative Signature: Date:	

PUBLIC BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0578-0013. The time required to complete this information collection is estimated to average 45/0.75 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

PRIVACY ACT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C 552a). Furnishing this information is voluntary; however failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other state or federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

USDA NON-DISCRIMINATION STATEMENT

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer."

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT MINIMUM REQUIREMENTS CHECKLIST

RECEIVED
MAY 26 2009

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 and water right proof report or details report for Part 2A of the transfer application 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 Proof Report (obtained from Department) or Details Report (obtained on website) 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.
- ☐ ☒ #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).
- ☐ ☒ #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/water/rights/>.
- ☐ ☒ #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.)
- ☐ ☒ #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; Attachment #10 NRCS Contract