

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74684

This is to certify that: D DIAMOND RANCH HOMEOWNER ASS
1230 IDA LN
WILSON WY 83014

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>
22-600	WR/Decreed	06/01/1897	0.6 cfs	N/A	N/A	143.0	SOUTH LEIGH CREEK
22-601	WR/Decreed	06/01/1898	2.6 cfs	N/A	N/A	143.0	SOUTH LEIGH 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>
22-600	NO	NO	NO	NO	YES	YES
22-601	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>
22-600	22-600	0.6 cfs	N/A	N/A	136.9		N/A	N/A	N/A	N/A
22-601	22-601	2.6 cfs	N/A	N/A	136.9		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.2 cfs	N/A	136.9	136.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19 day of May, 2009

Ernest Carlson
for _____
Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-600

WATER RIGHT NO. 22-600
As Modified by Transfer No. 74684

In accordance with the approval of Transfer No. 74684, Water Right No. 22-600 is now described as follows.

Right Holder: LUDWIG LONG And/Or
 ANNETTE LONG And/Or
 PRIME PROPERTIES OF JACKSON HOLE, LLC And/Or
 RENDEZVOUS LLC And/Or
 ROBERT BROOKS And/Or
 FYC PROPERTIES, LLC
 PO BOX 1170
 WILSON WY 83014

Priority Date: June 01, 1897

Source: SOUTH LEIGH 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	0.03 CFS	11.9 AF
AESTHETIC STORAGE	01/01 to	12/31		13.3 AF
FIRE PROTECTION STORAGE	01/01 to	12/31		13.3 AF
WILDLIFE STORAGE	01/01 to	12/31		13.3 AF
IRRIGATION	04/15 to	10/31	0.57 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK NWNWSW Sec. 32 Twp 06N Rge 46E TETON County
 SOUTH LEIGH CREEK L3 (NWNWSE) Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: AESTHETIC STORAGE / FIRE PROTECTION STORAGE / WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	45E	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X															
			L1	L2															

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	45E	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			38.0	37.9															75.9
			L1	L2															
06N	45E	33																	
															28.3	32.7			61.0

Total Acres: 136.9

WATER RIGHT NO. 22-600
As Modified by Transfer No. 74684

CONDITIONS OF APPROVAL

1. 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.
2. Diversion of water under transfer 74684 is subject to the terms stated in the Settlement Agreement for Application for Transfer No 74684, recorded in Teton County on February 6, 2009 as instrument # 202746.
3. Rights 22-600 and 22-601 when combined shall not exceed the irrigation of 136.9 acres.
4. The 2 ponds established by the storage of water under rights: 22-600, 22-601 and 22-13841 shall not exceed a total capacity of 13.3 acre feet or a total surface area of 2.4 acres.
5. Rights 22-600 and 22-601 authorizes the diversion of an annual total of 13.3 af to be used for filling of the pond.
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).
8. The right holder shall install and maintain an impermeable liner in the pond(s) to eliminate seepage losses.
9. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
10. 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.
11. 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).
12. The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW LT 4, 6PM for the Hog Canal. The point of diversion is in T06N R46E Sec 32 Lot 3 (NWNWSE) where the conveyance system enters Idaho in Section 32 NWNWSE lot 3.
13. Water is diverted into the Desert Ditch in T06N R46E Sec 32 NWSW and into the Hog Canal T06N R46E Sec 32 Lot 3 (NWNWSE).
14. Place of use is located within D Diamond Ranch Subdivision.

WATER RIGHT NO. 22-600
As Modified by Transfer No. 74684

CONDITIONS OF APPROVAL

15. 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.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. 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 19 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-601
As Modified by Transfer No. 74684

In accordance with the approval of Transfer No. 74684, Water Right No. 22-601 is now described as follows.

Right Holder: LUDWIG LONG And/Or
ANNETTE LONG And/Or
PRIME PROPERTIES OF JACKSON HOLE, LLC And/Or
RENDEZVOUS LLC And/Or
ROBERT BROOKS And/Or
FYC PROPERTIES, LLC
PO BOX 1170
WILSON WY 83014

Priority Date: June 01, 1898

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	2.49 CFS	
WILDLIFE STORAGE	01/01	to 12/31		13.3 AF
AESTHETIC STORAGE	01/01	to 12/31		13.3 AF
FIRE PROTECTION STORAGE	01/01	to 12/31		13.3 AF
DIVERSION TO STORAGE	04/15	to 10/31	0.11 CFS	13.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK	NWNWSW	Sec. 32 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	L3 (NWNWSE)	Sec. 32 Twp 06N	Rge 46E	TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec				NE				NW				SW				SE				Totals
				<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>	
05N	45E	4		38.0	37.9															75.9
				L 1	L 2															
06N	45E	33																28.3	32.7	61.0

Total Acres: 136.9

PLACE OF USE: WILDLIFE STORAGE / AESTHETIC STORAGE / FIRE PROTECTION STORAGE

[illegible]

**WATER RIGHT NO. 22-601
As Modified by Transfer No. 74684**

CONDITIONS OF APPROVAL

1. 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.
2. Diversion of water under transfer 74684 is subject to the terms stated in the Settlement Agreement for Application for Transfer No 74684, recorded in Teton County on February 6, 2009 as instrument # 202746.
3. Rights 22-600 and 22-601 when combined shall not exceed the irrigation of 136.9 acres.
4. The 2 ponds established by the storage of water under rights: 22-600, 22-601 and 22-13841 shall not exceed a total capacity of 13.3 acre feet or a total surface area of 2.4 acres.
5. Rights 22-600 and 22-601 authorizes the diversion of an annual total of 13.3 af to be used for filling of the pond.
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).
8. The right holder shall install and maintain an impermeable liner in the pond(s) to eliminate seepage losses.
9. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
10. 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.
11. 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).
12. The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW LT 4, 6PM for the Hog Canal. The point of diversion is in T06N R46E Sec 32 Lot 3 (NWNWSE) where the conveyance system enters Idaho in Section 32 NWNWSE lot 3.
13. Water is diverted into the Desert Ditch in T06N R46E Sec 32 NWSW and into the Hog Canal T06N R46E Sec 32 Lot 3 (NWNWSE).
14. Place of use is located within D Diamond Ranch Subdivision.

WATER RIGHT NO. 22-601
As Modified by Transfer No. 74684

CONDITIONS OF APPROVAL

15. 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.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. 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 19 day of May, 20 09

Ernest Carlsen
for Chief, Water Allocation Bureau