

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75039

This is to certify that: CHERRY GROVE LLC
 C/O JULIE BRYAN
 PO BOX 6834
 JACKSON WY 83002
 (208)354-7325

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>
22-13873	AJC/Decreed	06/01/1897	1.11 cfs	N/A	N/A	118.6	FOX CREEK
22-13875	AJC/Decreed	06/01/1899	0.69 cfs	N/A	N/A	118.6	FOX 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>
22-13873	NO	NO	NO	NO	YES	YES
22-13875	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>
22-13873	22-13873	1.11 cfs	N/A	72.4	116.1		N/A	N/A	N/A	N/A
22-13875	22-13875	0.69 cfs	N/A	45.1	116.1		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.8 cfs	N/A	116.1	116.1		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27 day of March, 2009


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-13873

WATER RIGHT NO. 22-13873
As Modified by Transfer No. 75039

In accordance with the approval of Transfer No. 75039, Water Right No. 22-13873 is now described as follows.

Right Holder: CHERRY GROVE LLC
 C/O JULIE BRYAN
 PO BOX 6834
 JACKSON WY 83002

Priority Date: June 01, 1897

Source: FOX 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	1.09 CFS	
DIVERSION TO STORAGE	04/15 to	10/31	0.02 CFS	
FIRE PROTECTION STORAGE	01/01 to	12/31		3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

FOX CREEK	L4 (SWSWNE)	Sec. 29 Twp 04N	Rge 46E	TETON County
FOX CREEK	L6 (NENWNE)	Sec. 30 Twp 04N	Rge 46E	TETON County
FOX CREEK	NWSENW	Sec. 30 Twp 04N	Rge 46E	TETON County

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	
04N	46E	18											38.0	39.3					77.3
													L 4						
04N	46E	19							38.8										38.8
									L 1										

Total Acres: 116.1

PLACE OF USE: FIRE PROTECTION 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	
04N	46E	18											X						
													L 4						

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 72.4 acres within the place of use described above in a single irrigation season.
2. The rights listed below are limited to the irrigation of a combined total of 116.1 acres in a single irrigation season. Combined Right Nos.: 22-13873, 22-13875.
3. The pond established by the storage of water under this right and right 22-13875 shall not exceed a total capacity of 4.5 acre feet or a total surface area of 0.5 acres.
4. This right and right 22-13875 authorizes the diversion of an annual total of 5.4 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond.

WATER RIGHT NO. 22-13873
As Modified by Transfer No. 75039

CONDITIONS OF APPROVAL

5. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
6. Water shall not be diverted from the fire protection storage pond authorized under this right except to fight or repel an existing fire.
7. 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.
8. 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).
9. Water is delivered through Fox Creek Canal.
10. Place of use is within the area served by Fox Creek Canal Company.
11. 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.
12. 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.
13. Place of use is located within Cherry Grove Subdivision.
14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor 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 27 day of March, 2009



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13875
As Modified by Transfer No. 75039

In accordance with the approval of Transfer No. 75039, Water Right No. 22-13875 is now described as follows.

Right Holder: CHERRY GROVE LLC
 C/O JULIE BRYAN
 PO BOX 6834
 JACKSON WY 83002

Priority Date: June 01, 1899

Source: FOX 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	0.68 CFS	
DIVERSION TO STORAGE	04/15	to 10/31	0.01 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

FOX CREEK	L4 (SWSWNE)	Sec. 29 Twp 04N	Rge 46E	TETON County
FOX CREEK	L6 (NENWNE)	Sec. 30 Twp 04N	Rge 46E	TETON County
FOX CREEK	NWSENW	Sec. 30 Twp 04N	Rge 46E	TETON County

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	
04N	46E	18											38.0	39.3					77.3
													L 4						
04N	46E	19							38.8										38.8
									L 1										

Total Acres: 116.1

PLACE OF USE: FIRE PROTECTION 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	
04N	46E	18											X						
													L 4						

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 45.1 acres within the place of use described above in a single irrigation season.
2. The rights listed below are limited to the irrigation of a combined total of 116.1 acres in a single irrigation season. Combined Right Nos.: 22-13873, 22-13875.
3. This right and right 22-13873 authorizes the diversion of an annual total of 5.4 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond.
4. The pond established by the storage of water under this right and right 22-13873 shall not exceed a total capacity of 4.5 acre feet or a total surface area of 0.5 acres.

WATER RIGHT NO. 22-13875
As Modified by Transfer No. 75039

CONDITIONS OF APPROVAL

5. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
6. Water shall not be diverted from the fire protection storage pond authorized under this right except to fight or repel an existing fire.
7. 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.
8. 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).
9. Water is delivered through Fox Creek Canal.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.
13. 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.
14. Place of use is located within Cherry Grove Subdivision.
15. Place of use is within the area served by Fox Creek Canal Company.
16. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor 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 27 day of March, 2009



Chief, Water Allocation Bureau