

Form 1-222
12-92STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

1. Name of Applicant BC Properties LLC Phone (208) 705-0859Mailing Address P.O. Box 28, Driggs, ID 83422c/o Rocky Mountain Environmental Associates, Inc.482 Constitution, Ste 303(208) 524-2353Idaho Falls, ID 83402Fax (208) 524-1795

A. PURPOSE OF TRANSFER

1. ☒ Change Point of Diversion ☐ Add diversion point(s) ☒ Change Place of use
☒ Change Nature of Use ☒ Change Period of Use ☐ Other _____

2. Describe the reason for the proposed changes: Move a portion of the right to Silver Dollar Ranch Subdivision for use in two ponds and irrigation of landscaping.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount	Nature of Use	Period of Use
22-13818	01/08/1991	0.04 cfs	Irrigation	4/15 to 10/15
		0.07 cfs	Diversion to Storage	1/01 to 12/31
		8.8 AF	Fire Protection Storage	1/01 to 12/31
		8.8 AF	Aesthetic Storage	1/01 to 12/31

2. Total amount of water being transferred 0.11 cubic feet per second and/or 15.8* acre-feet per annum.

3. Source of water Ground water tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
	SW	SW	SW	5	5N	45E	TETON	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	45E	5											2						2
													FJ						

Total Acres 2.0

*Volume calculated based on 4 ac @ 2.19 AF/ac (8.8 AF) and 2 ac @ 3.5 AF/ac (7.0 AF)



74553

PART 1

8. General Information:

- a. Description of diversion system: Well to pump to pipeline for ponds and irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ Yes ☒ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: A total of 6 acres of irrigated land will be dried up
- d. Remarks: Because the existing water rights on the property are currently in litigation, applicant proposes to transfer a portion of another owned right for irrigation and pond fill and evaporation. This water right will be split by this transfer and a transfer under the name of BC Properties LLC for D Diamond Ranch Homeowners Association, Inc. It has been determined through discussion with IDWR representatives to be a primary right.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Right No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20__

for the Director



APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

WATER RIGHT NO. 22-13818

Owner Type Name and Address

Current Owner BC PROPERTIES LLC
PO BOX 28
DRIGGS, ID 83422
(208)705-0859

Priority Date: 01/08/1991

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/15 10/15 0.61 CFS

Total Diversion 0.61 CFS

Location of Point(s) of Diversion:

GROUND WATER SWNE Sec. 05 Township 05N 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>
05N	45E	5		NESW	32.7									

Total Acres: 32.7

Conditions of Approval:

The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 114.4 af for the lands above.

The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

1. Amount 0.11 cfs for Irrigation purposed from 4/15 to 10/15
 2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
		SW	NE	5	5N	45E	TETON	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	45E	5									6								6

Total Acres 6

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. Amount 0.50 cfs for Irrigation purposed from 4/15 to 10/15
 2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
		SW	NE	5	5N	45E	TETON	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	45E	5									26.7								26.7

Total Acres 26.7

NOTE: Another transfer from this right 22-13818 in the name of BC Properties LLC is pending for the amount of 4.2 acres and 0.08 cfs. Remaining portions of the original right after both transfers will be 22.5 acres and 0.42 cfs.

PART 3

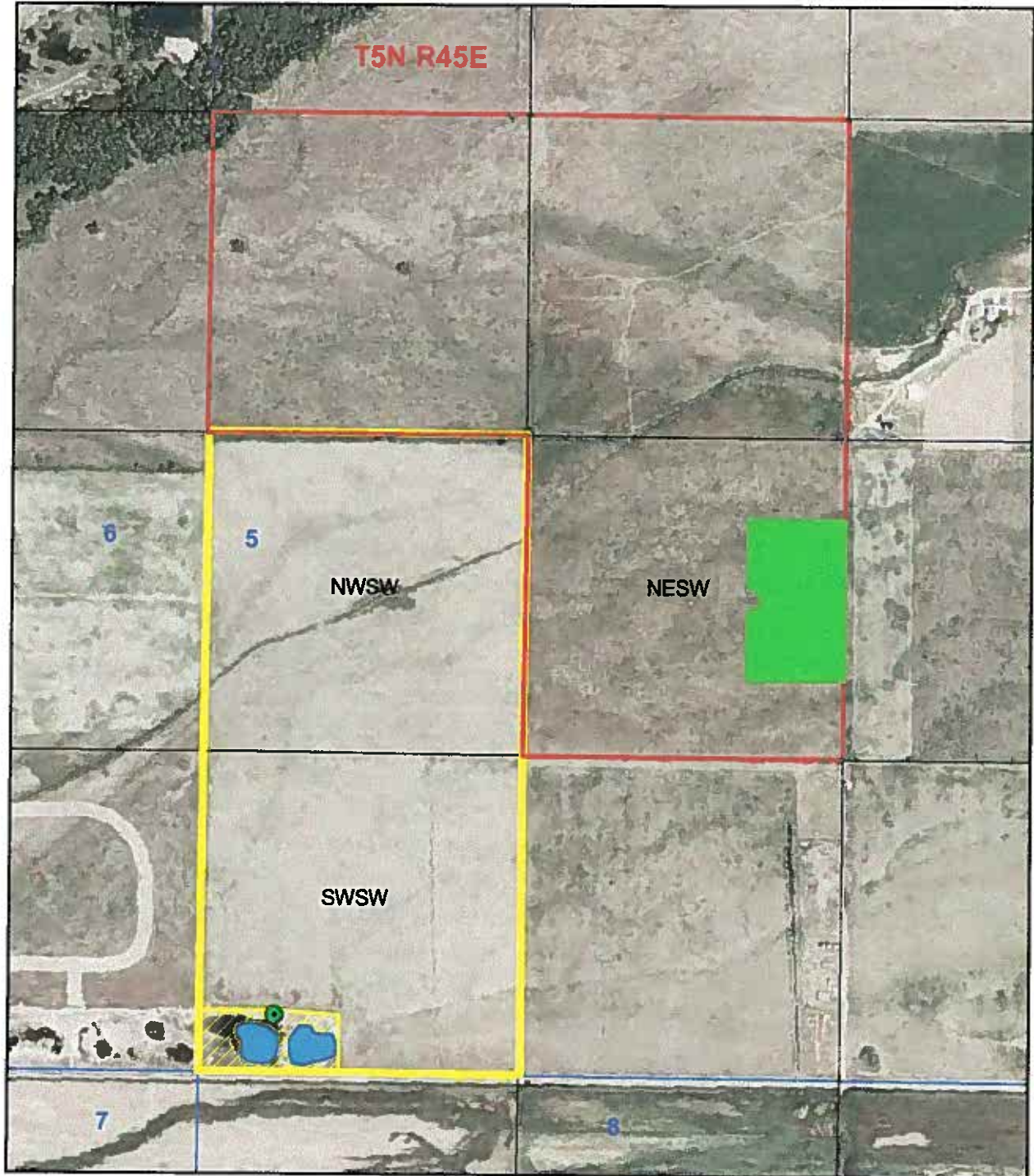
B. CHANGES IN NATURE OF USE

1. New Nature of Use	Amount (cfs/af-ac)	Hours/days/year	Period of use
<u>Diversion to Storage</u>	<u>0.07 cfs</u>	<u>24h/365d/y</u>	<u>1/01 to 12/31</u>
<u>Fire Protection Storage</u>	<u>8.8 ac-ft</u>	<u>24h/365d/y</u>	<u>1/01 to 12/31</u>
<u>Aesthetic Storage</u>	<u>8.8 ac-ft</u>	<u>24h/365d/y</u>	<u>1/01 to 12/31</u>

2. Quantity and quality of return flows and location of discharge: Water pumped into the lined ponds will be for storage only. No water will return to the aquifer from the ponds.

3. Describe effects on other water uses resulting from the proposed change: Once the ponds are full, the maximum diversion rate necessary to maintain the water levels of the ponds daily is 0.008 cfs during the hottest month of the year. With such a low diversion rate, no affects are anticipated. The majority of the water included in this transfer is for first-time fill of the ponds. Any refill requirements will only occur if pond is used for fire protection.

Application for Transfer of Water Right 22-13818 BC Properties LLC



2006 NAIP Photography

Legend

- | | |
|------------------------|--------------------------------|
| New Point of Diversion | Silver Dollar Ranch Phase I |
| New POU - Ponds | Silver Dollar Ranches Phase II |
| New POU - Irrigation | Section |
| Dried up acres | QQ |

0 250 500 1,000 Feet



I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information in this application is true to the best of my knowledge.

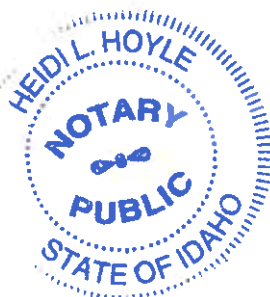
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ken Chambers
(Signature of Applicant)

BC Properties - Member
(Office or Position of Authority)

Ken R. Chambers
(Printed Name)

Subscribed and sworn to before me this 11th day of March, 2008.



Heidi Hoyle
Notary Public

My Commission expires: 3-9-2012

Resides: Jetonia, Idaho

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 8 attachments
Received by _____ Date _____ Protest filed by _____
Prelim check by _____ Fee \$100 E033845
Receipted by SC Date 3/14/2008
Published in Teton Valley News Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
_____ rec'd _____ By _____
Copy of transfer sent to lien holder _____

Application for Transfer of Water Right 22-13818 Mitigation Plan

Due to ongoing litigation with the water rights on the new place of use described in the transfer, BC Properties LLC has chosen to transfer a portion of another owned water right 22-13818 in order to proceed with development of Silver Dollar Ranch Phase I. The Final Plat calls for an aesthetic pond and a fire protection pond with a total surface area of 1.1 ac and total volume of 6.7 AF at the entrance of the subdivision.

According to the Driggs, Idaho 102676 climate station for alfalfa hay-less frequent cuttings, the historical consumptive use on the original place of use of 2.19 AF/ac. To fill both ponds, a total of 6.7 AF are required. With a consumptive use of 2.19 AF/ac, 3.1 acres ($6.7 \text{ AF} / 2.19 \text{ AF/ac} = 3.1 \text{ ac}$) are required to provide sufficient water for fill.

A total of 0.9 ac is required to provide for the total annual evaporative loss of 1.9 AF. The total of 4 acres (3.1 ac for fill + 0.9 ac for evaporation) and 8.8 AF are required to provide for the proposed ponds.

This transfer proposes to provide for the irrigation of 2 ac at 3.5 AF/ac around the subdivision entrance. The total pond use (4 ac) and irrigation (2 ac) require the transfer of 6 acres of water right 22-13818. The attached Concept Master Plan for Silver Dollar Ranches Phase II indicates the 6 ac to be transferred.

Summary of Transfer Requirements				
Silver Dollar Ranch Subdivision Division I				
Original Ground Water Right to be Transferred 22-13818	Diversion Rate (cfs)	Place of Use (acres)	cfs per acre	AF per acre*
	0.61	32.7	0.019	2.19
Pond Evaporation	Pond Surface Area (acres)	Acres Equivalent to Evaporative Loss	cfs required	Total Pond Loss (AF)**
	1.1	Ac= Total Pond Loss / AF per ac 0.9	0.017	1.90
Pond Fill	Pond Volume (AF)	Acres Equivalent to Pond Fill	cfs required	AF required
	6.70	Ac= AF per ac / Pond Volume 3.1	0.057	6.7
Irrigation	Irrigated Area (acres)	cfs required		
	2	0.04		

Total Water Needed for Transfer	cfs	0.11
	AF	15.8
	acres	6.0

(4 ac @ 2.19 AF/ac + 2 ac @ 3.5 AF/ac)

*Values calculated using the mean irrigation requirement of alfalfa hay taken from Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

**Value calculated using precipitation and evaporation values from the Driggs, Idaho 102676.



Pond Consumptive Use Calculations
Climate Station: Driggs, Idaho 102676
Silver Dollar Ranch Subdivision Division I

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	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)**	1.34	1.11	1.1	1.25	1.83	1.83	1.04	1.17	1.25	1.22	1.07	1.38	15.58
Pond Loss (Evap. - Precip., in)	0	0	0.3	1.2	2.37	3.42	5.61	4.43	2.6	0.88	0.33	0	21.14
Pond Surface Area (acres)	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1
Total Pond Loss (ac-in)	0.0	0.0	0.3	1.3	2.6	3.8	6.2	4.9	2.9	1.0	0.4	0.0	23.3
Total Pond Loss (ac-ft)	0.0	0.0	0.0	0.1	0.2	0.3	0.5	0.4	0.2	0.1	0.0	0.0	1.9

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

Irrigation Consumption		Crop
Mean Irrig. Requirement (in/seas.)***	26.3	Alfalfa - Less
Mean Irrig. Requirement (ft/seas.)***	2.19	Frequent
Acres to dry up for pond use	0.89	Cuttings

*Molnau, Myron, Kpoordze, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.

**Data obtained from the Western Regional Climate Center, Monthly Climate Summary, Period of Record 9/1/1905 to 5/31/1974. See attached.

***Precipitation Deficit values used synonymously with mean irrigation requirement. Values taken from Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Used 667 mm from the Driggs, Idaho NOAA Station



Memo

To: File

From: Kristin Moore

Date: November 6, 2007

Re: Water Right No. 22-13584

On Friday, October 26, 2007, Shelley Keen, Jeff Peppersack, Ernie Carlsen, Pam Skaggs, Roger Warner, Kristin Moore, Ken Chambers, and Jeff Borer met together in person or by teleconference to discuss water right 22-13584, a split right of 22-7690. The issue at hand was to determine if the ground water right was a primary or secondary right. A Due Diligence was performed on this right prior to the meeting. During the research, language was found in the original license 22-7690 indicating that the ground water was secondary to the surface water rights out of South Leigh Creek. Although the well was developed in 1977, an application for the ground water right was not submitted until 1991 by Mr. James Hatch, the previous property owner who developed the well. During the licensing process, it is believed that an assumption was made that the surface water was still in use. The field examiner made no mention of witnessing surface water being used on the property, only that there were surface water rights that were appurtenant to portions of the property. Since the IDWR database shows active surface water rights, a condition was placed on the ground water license 22-7690 indicating that it was secondary in nature. Based on historical irrigation practices Mr. Hatch detailed to Ken Chambers, one of the owners of right 22-13584, the subject ground in the NESW of Section 5 was never irrigated with surface water due to its higher elevation. Surface water was scarce on the entire place of use since it is located near the end of the Bell-McCracken ditch. Delivery of the full surface water rights was difficult and rare. When the well was developed, Mr. Hatch testified that the ground water was used as the primary source of irrigation from then on.

Based on the evidence discussed, it was determined by the group present at the meeting that the water right 22-13584 was a primary right on the subject ground in the NESW of Section 5, T5N, R45E. A decision was not made as to whether the ground water was primary on the remainder of the lands under the original license as it was not discussed in detail.

IDAHO SECRETARY OF STATE
Viewing Business Entity

Ben Ysursa, Secretary of State

BC PROPERTIES LLC

PO BOX 28
DRIGGS, ID 83422

Type of Business:	LIMITED LIABILITY COMPANY
Status:	EXISTING, ANREPT SENT 03 Dec 2007
State of Origin:	IDAHO
Date of	26 Feb 2007
Origination/Authorization:	
Current Registered Agent:	KEN CHAMBERS 241 N 350 W DRIGGS, ID 83422
File Number:	W59728
Date of Last Annual	27 Dec 2007
Report:	

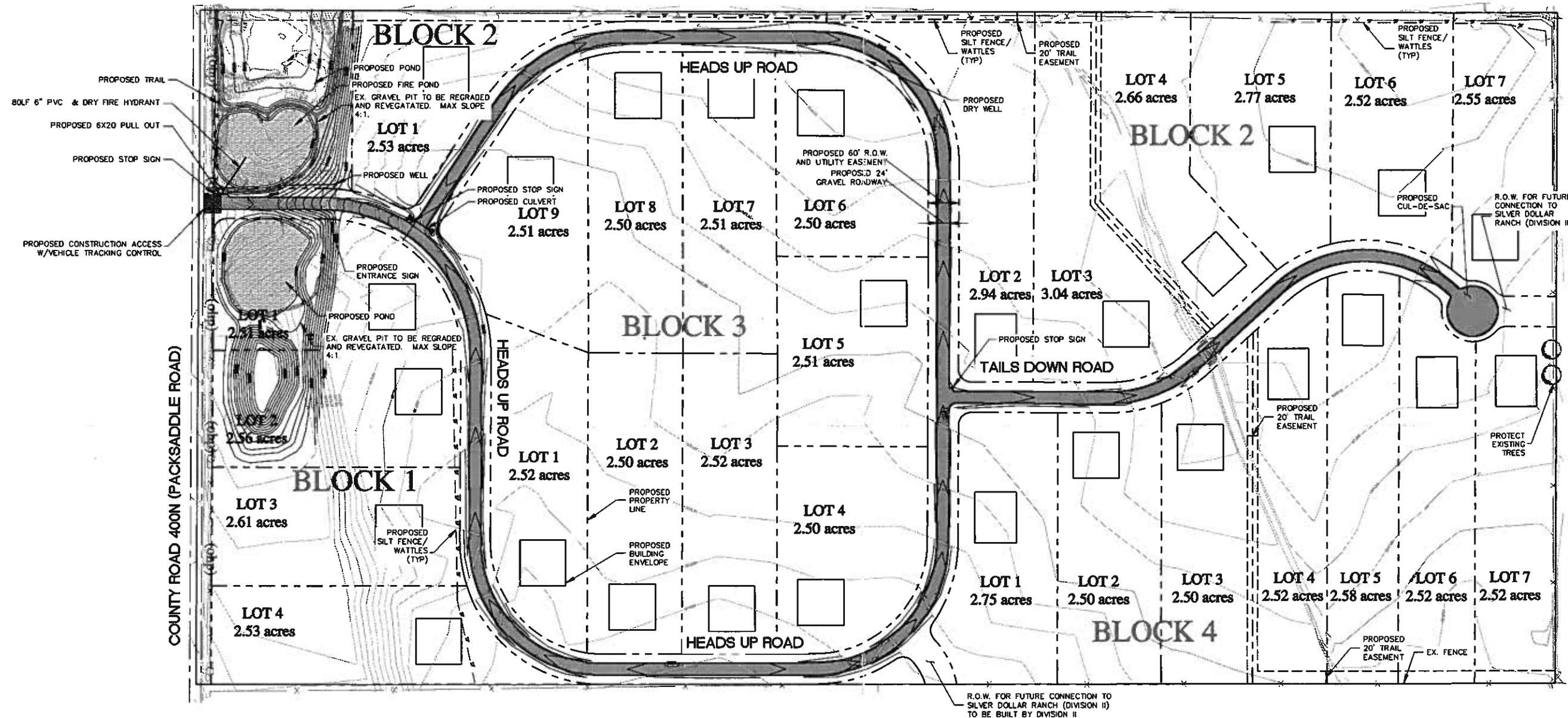
Original Filing:

Filed 26 Feb 2007 ARTICLES OF ORGANIZATION

Amendments:

Annual Reports:

Report for year 2008 ANNUAL REPORT



HARMONY
 DESIGN & ENGINEERING
 40 E. LITTLE AVE. • DRUGS ID 8842
 T 208.354.1281 F 208.354.1222

PREPARED FOR:
 BC PROPERTIES LLC
 780 NORTH, 150 EAST
 TETONIA, ID, 83422
 208.705.0889

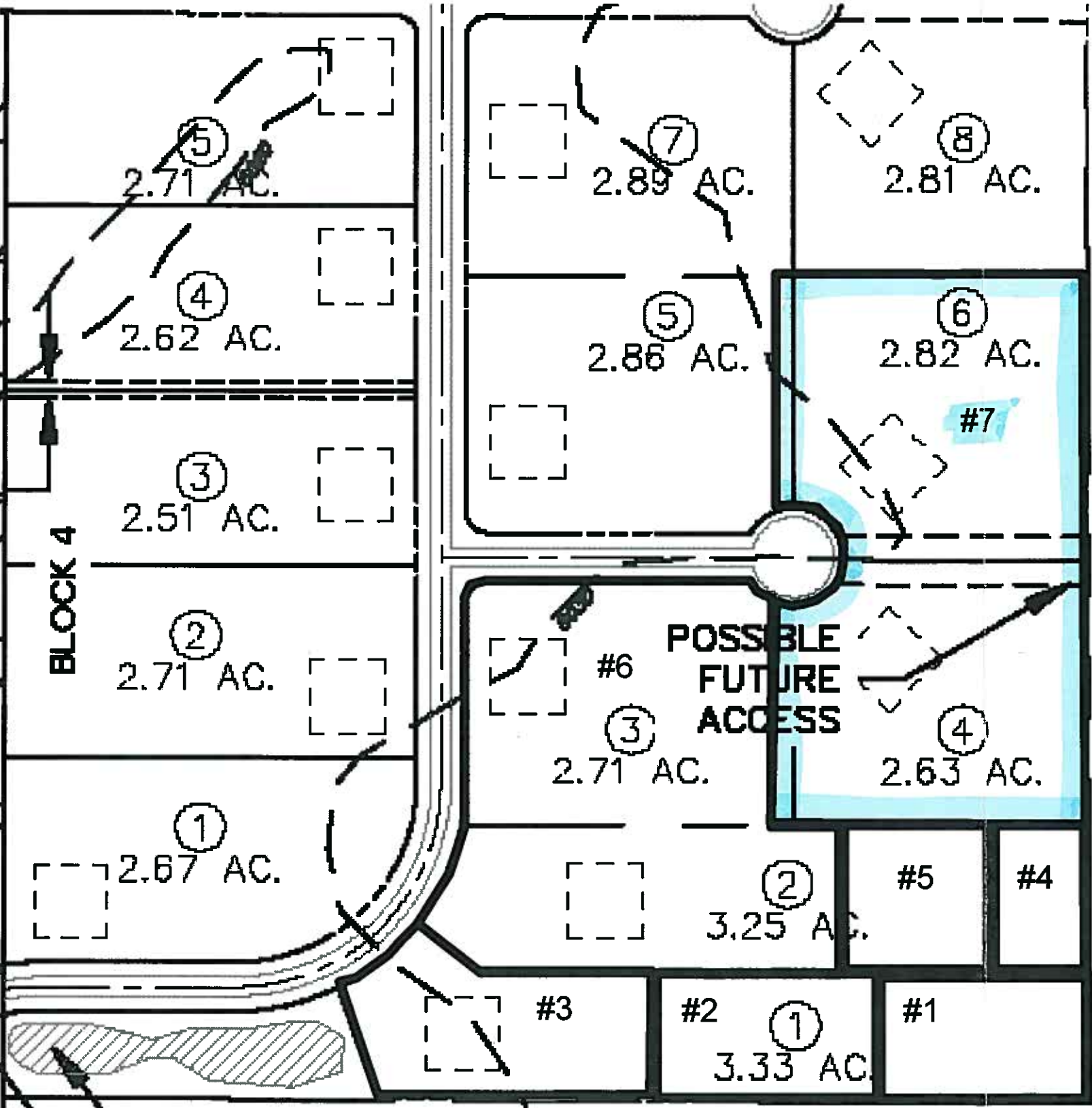
SCALE: 1"=100'
 DESIGNED BY: JTH
 DRAWING BY: JTH
 CHECKED BY: JE
 PLOTTED BY: 07003/12/1

FINAL MASTER PLAN
SILVER DOLLAR RANCH Phase 1
GENERAL PLAN

DATE: 12/12/07
 C-1

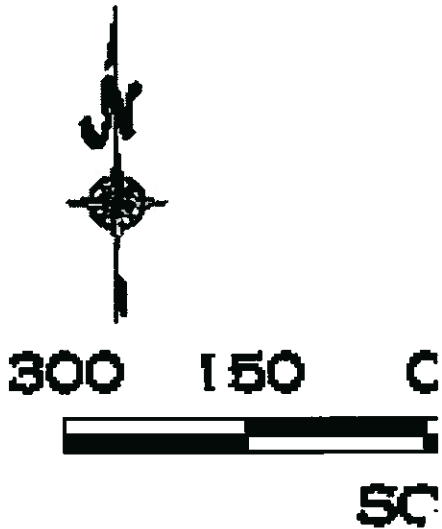
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Map Indicating Lands of Silver Dollar Ranches Phase II to be dried up upon approval of Transfers
BC Properties LLC
T5N, R45E, Sec 5, NESW

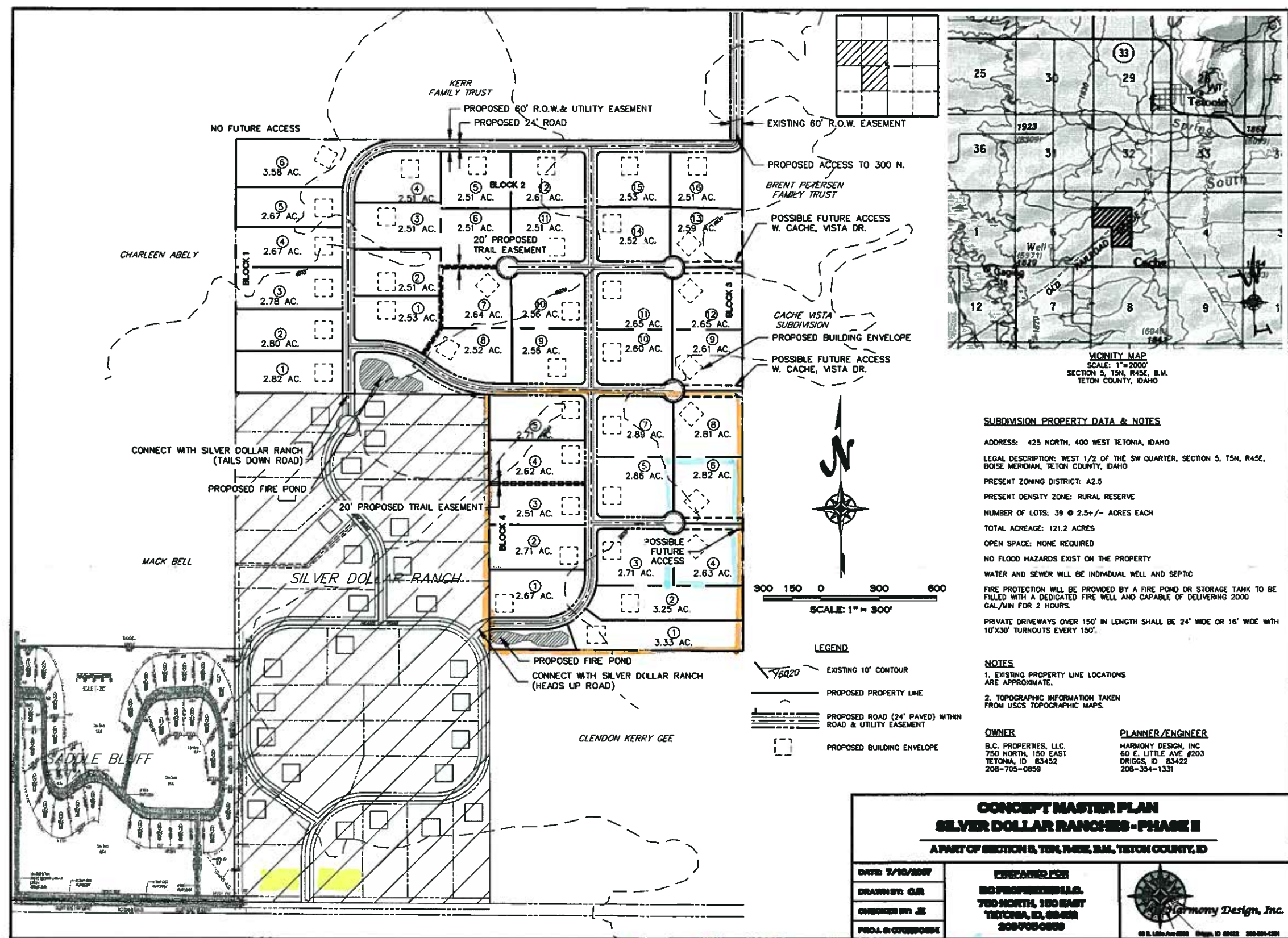


Buyers of the Water Rights from the Indicated Lands

- Lot 1
#1 – 1.0 ac – Surprise Valley Holdings LLC
#2 – 1.0 ac – W. Michael Baker
#3 – 1.3 ac – BC Properties LLC for Leigh Creek LLC
- Lot 2
#4 – 0.5 ac – Eureka Feeling, Inc
#5 – 1.0 ac – Ludwig M. Long
- Lots 2 & 3
#6 – 4.2 ac – D Diamond Ranch Homeowners Association, Inc
- Lots 3 (0.25 ac), 4 (2.63 ac), 5 (0.3 ac), & 6 (2.82 ac)
#7 – 6.0 ac – BC Properties LLC / Silver Dollar Ranch Phase I



Scale



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Area Dried up in Transfer
Area shown on attached map
New POU