

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73910

This is to certify that: PACKSADDLE PROPERTIES LLC
 PO BOX 631
 DRIGGS ID 83221

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>
22-13727	AJC/Decreed	06/15/1897	2.84 cfs	N/A	N/A	133.0	SOUTH LEIGH CREEK
22-13729	AJC/License	08/09/1961	1.92 cfs	356.4 af	118.8	133.0	GROUND WATER
22-13731	AJC/Beneficial Use	08/09/1981	0.18 cfs	49.65 af	14.2	133.0	GROUND WATER

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>
22-13727	NO	NO	NO	NO	YES	YES
22-13729	NO	NO	NO	NO	YES	YES
22-13731	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>
22-13727	22-13727	2.84 cfs	N/A	N/A	110.6		N/A	N/A	N/A	N/A
22-13729	22-13729	1.92 cfs	338.2 af	98.8	110.6		N/A	N/A	N/A	N/A
22-13731	22-13731	0.18 cfs	46.3 af	11.8	110.6		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.84 cfs	N/A	110.6	110.6		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of March, 2008

 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-13727

WATER RIGHT NO. 22-13729
As Modified by Transfer No. 73910

In accordance with the approval of Transfer No. 73910, Water Right No. 22-13729 is now described as follows.

Right Holder: PACKSADDLE PROPERTIES LLC
 PO BOX 631
 DRIGGS ID 83221

Priority Date: August 09, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/01	1.60 CFS	296.4 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.32 CFS	
FIRE PROTECTION	01/01	to 12/31		41.6 AF
STORAGE				
AESTHETIC STORAGE	01/01	to 12/31		41.6 AF
			1.92 CFS	338.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESW Sec. 6 Twp 05N Rge 45E 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	
05N 45E 6									32.3	17.7	32.0	28.6					110.6
										L 6	L 7						

Total Acres: 110.6

PLACE OF USE: FIRE PROTECTION / 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 45E 6									X	X	X	X					
										L 6	L 7						

WATER RIGHT NO. 22-13729
As Modified by Transfer No. 73910

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.
2. Rights 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 384.3 af.
3. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.36 cfs for irrigation of 110.6 acres.
4. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.84 cfs.
5. This right authorizes the diversion of an annual total of 41.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.
6. The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.
7. 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.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. Right no. 22-13731 is also diverted through point of diversion described above.
10. Right No. 22-13731 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
13. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval or originating approval/SRBA partial decree date.

WATER RIGHT NO. 22-13729
As Modified by Transfer No. 73910

CONDITIONS OF APPROVAL

14. 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.
15. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
16. The right holder shall accomplish the change authorized by this transfer within one year(s) 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 3rd day of March, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13731
As Modified by Transfer No. 73910

In accordance with the approval of Transfer No. 73910, Water Right No. 22-13731 is now described as follows.

Right Holder: PACKSADDLE PROPERTIES LLC
 PO BOX 631
 DRIGGS ID 83221

Priority Date: August 09, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	01/01 to	12/31	0.03 CFS	
FIRE PROTECTION	01/01 to	12/31		5.0 AF
STORAGE				
AESTHETIC STORAGE	01/01 to	12/31		5.0 AF
IRRIGATION	04/15 to	10/31	0.15 CFS	41.3 AF
			0.18 CFS	46.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESW Sec. 6 Twp 05N Rge 45E TETON County

PLACE OF USE: FIRE PROTECTION / 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 45E 6									X	X	X	X					
										L 6	L 7						

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 45E 6									32.3	17.7	32.0	28.6					
										L 6	L 7						

Total Acres: 110.6

WATER RIGHT NO. 22-13731
As Modified by Transfer No. 73910

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 11.8 acres within the place of use described for this right.
2. Rights 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 384.3 af.
3. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.84 cfs.
4. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.36 cfs for irrigation of 110.6 acres.
5. The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.
6. This right authorizes the diversion of an annual total of 5.0 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. 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.
9. 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.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
12. Right no. 22-13729 is also diverted through point of diversion described above.
13. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right is based upon an enlargement of Right No. 22-13729 pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 22-13731
As Modified by Transfer No. 73910

CONDITIONS OF APPROVAL

15. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
16. The right holder shall accomplish the change authorized by this transfer within one year(s) 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 3rd day of March, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13727
As Modified by Transfer No. 73910

In accordance with the approval of Transfer No. 73910, Water Right No. 22-13727 is now described as follows.

Right Holder: PACKSADDLE PROPERTIES LLC
 PO BOX 631
 DRIGGS ID 83221

Priority Date: June 15, 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	0.48 CFS	
AESTHETIC STORAGE	01/01	to 12/31		46.6 AF
FIRE PROTECTION	01/01	to 12/31		46.6 AF
STORAGE				
IRRIGATION	04/15	to 10/31	2.36 CFS	
			2.84 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK NESESW Sec. 33 Twp 06N Rge 45E TETON County

PLACE OF USE: FIRE PROTECTION / 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 45E 6									X	X	X	X					
										L 6	L 7						

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 45E 6									32.3	17.7	32.0	28.6					110.6
										L 6	L 7						

Total Acres: 110.6

WATER RIGHT NO. 22-13727
As Modified by Transfer No. 73910

CONDITIONS OF APPROVAL

1. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.36 cfs for irrigation of 110.6 acres.
2. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.84 cfs.
3. This right authorizes the diversion of an annual total of 46.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.
4. The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.
5. 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.
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. Water is delivered through Bell McCracken Ditch.
9. 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.
10. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
11. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 3rd day of March, 20 08



Chief, Water Allocation Bureau