

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Elliot Creek, LLC Phone 208-523-0620
Mailing address c/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130, Idaho Falls, ID 83405-0130
2. Source of water supply Elliot Creek and Swamps which is a tributary of Teton River
3. Location of point of diversion is Township 4N Range 45E Sec. 22, in the 1/4, SW 1/4, NW 1/4, Govt. Lot _____, E.B.M., Teton County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 04 afa for Aesthetic and Wildlife purposes from 01/01 to 12/31 (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 0.4
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Small berm or dike 1 - 3 feet in height to raise water level to form pond on existing wetlands
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Pond will be shallow pond created by raising existing water level in wetlands 1 - 2 feet by construction of low dike, as shown on map, for aesthetic purposes and to improve fish and wildlife habitat.

RECEIVED

MAR - 3 2007

Department of Water Resources
Eastern Region

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	22						WJ											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Remarks: Applicant has entered into an agreement for use of a portion of Water Rights Nos. 22-677 and 22-4189, rights for irrigation purposes. Right holder will forego irrigation of 0.13 acres under said rights for one irrigation season to provide one time fill of 0.4 acre feet for pond, the level of which will be maintained thereafter by dike raising existing water level. See attached map, evaporation/evapotranspiration comparison charts and narrative of engineer explaining that creation of ponds in existing wetlands will not increase consumptive use.
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Managing Member, Elliot Creek, LLC

William H. Anderson

Received by _____ Date 3/19/07 Time _____ Preliminary check by _____
 Fee \$ 100- Received by SC # E032702 Date _____
 Publication prepared by SC Date 11/1/02 & 8/8/07 Published in Teton Valley News
 Publication approved _____ Date _____



Elliott Creek Water Rights Budget and Narrative
ELLIOTT CREEK, LLC, PARCEL C, POND 4
2-27-2007

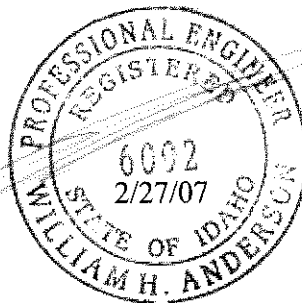
The following tables are calculations of historic and proposed consumptive use on the Elliott Creek LLC (EC) Property. The data used in the calculations is based on an IDWR Study on Potential Evapotranspiration, "*Allen, Richard G. and Clarence W. Robison, 2006. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID. 145 p." Table "**Driggs, ID Evapotranspiration**" is attached listing specific potential evapotranspiration rates for the ground cover specific to EC.

A jurisdictional wetland study completed during November 2004 on the EC property was used to determine areas of each type of ground cover to compare the historic ground cover and proposed ground cover. Table "**Elliott Creek – Pond 4, Parcel C**" is attached which compares consumptive use between historic and proposed ground cover. The table used the surface area of each type of ground cover with the corresponding evapotranspiration rate to calculate the consumptive use on a monthly, growing season, and annual basis.

The conclusion for the EC property, Pond 4, is that there was no significant change between the historic consumptive use and the proposed consumptive use. Specifically, the calculations showed that the consumptive use did not change during the growing season (May – September).

Table "**Elliott Creek – Pond 4, Parcel C**" also shows the irrigated acreage required to be taken out of production for filling the pond. The acreage required is 0.13 acres.

William H. Anderson, P.E.



January 2007

Driggs, ID
Evapotranspiration
IDWR Study

Potential Evapotranspiration:

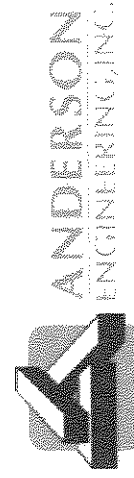
(mm/day)	January	February	March	April	May	June	July	August	September	October	November	December
Wetlands - narrow stand	0.56	0.80	0.83	1.24	1.67	2.96	7.57	9.10	3.08	0.99	0.56	0.52
Open Water - shallow systems	0.76	1.17	1.56	2.61	3.63	4.32	4.58	4.25	3.24	2.33	1.20	0.79
Open Water - Stock Ponds/lakes	0.88	1.37	1.82	3.04	4.23	5.04	5.35	4.96	3.78	2.72	1.40	0.93
Grass Pasture - High Management	0.47	0.69	0.82	1.36	3.55	6.20	6.67	6.15	3.74	1.33	0.58	0.45
Grass Pasture - Low Management	0.47	0.68	0.81	1.32	2.95	5.16	5.33	5.12	3.24	1.27	0.58	0.45
Bare Soil - Gravels	0.81	1.05	1.12	1.56	2.05	2.16	1.62	1.62	1.50	1.20	0.79	0.77
Willows - shrub communities	0.55	0.73	0.79	1.19	2.69	5.19	5.96	5.54	3.46	1.07	0.56	0.52
Poplar Trees - Aspen	0.56	0.75	0.84	1.21	2.06	5.81	7.87	7.30	4.31	1.34	0.58	0.52

The potential daily E_{Tc} (E_{Tpot}) represents the total estimated flux of ET that would occur if there were no moisture stress imposed by soil water shortage in the 'root zone'. E_{Tpot} includes evaporation from the soil surface from both precipitation and any simulated irrigation. E_{Tpot} was computed as $E_{Tpot} = E_{Tbas} + K_e$.

Evapotranspiration - Mean of the average daily value for month

Credits:

1. "Allen, Richard G. and Clarence W. Robison, 2006. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID. 145 p."



ELLIOTT CREEK - POND 4, PARCEL C IRRIGATION DIVERSION

POND 4 (Parcel C) - 0.2 acres:

HISTORIC ET

	Sq. Ft.	% Tot. Area	January	February	March	April	May	June	July	August	September	October	November	December	Growing Season	Net Annual
Wetlands - narrow stand			31	28	31	30	31	30	31	31	30	31	30	31	153.00	365
Open Water - shallow systems	8712.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Open Water - Stock Ponds/lakes		100.0%	673.39	936.34	1382.22	2237.96	3216.32	3704.21	4058.06	3765.66	2778.16	2064.47	1028.95	699.97	17522.41	26545.72
Open Pasture - High Management	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grass Pasture - Low Management	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grass Pasture - High Management	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Bare Soil - Gravel	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Willows - shrub communities	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Poplar Trees - Aspen	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Historic ET (HET)	8712.00	100.0%	673.39	936.34	1382.22	2237.96	3216.32	3704.21	4058.06	3765.66	2778.16	2064.47	1028.95	699.97	17522.41	26545.72

PROPOSED ET

Wetlands - narrow stand	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Open Water - shallow systems	8712.00	100.0%	673.39	936.34	1382.22	2237.96	3216.32	3704.21	4058.06	3765.66	2778.16	2064.47	1028.95	699.97	17522.41	26545.72
Open Water - Stock Ponds/lakes	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Open Pasture - High Management	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grass Pasture - Low Management	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grass Pasture - High Management	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Bare Soil - Gravel	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Willows - shrub communities	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Poplar Trees - Aspen	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Proposed ET (PET)	8712.00	100.0%	673.39	936.34	1382.22	2237.96	3216.32	3704.21	4058.06	3765.66	2778.16	2064.47	1028.95	699.97	17522.41	26545.72

HET minus PET (CF/month)

Net change - In CFS

Summary: (Positive numbers = less consumptive use, negative numbers = more consumptive use)

HET minus PET (CF/month)

HET minus PET Average daily CFS

HET minus PET Average daily GPM

Conclusion: The water features do not significantly change the consumptive use of water on the property. This is based on calculating the historic consumptive use (HET) and subtracting the proposed consumptive use (PET). The consumptive use does not change during the growing season. There are no roads associated with pond 4 and it is associated with an existing irrigation diversion.

Pond Number	Point of Diversion (2)	Place of Use	Average Pond Surface	Average Pond Depth	Pond Capacity	One Time Fill Volume above Ground Water
	14N R45E	T4N R45E	acres	ft	acre-feet (1)	acre-feet
4	SWNW, Sec.22	SWNW, Sec.22	0.20	4.00	0.80	2 0.4 0.13

