

RECEIVED
MAR 19 2007
Department of Water Resources
Eastern Region

Ident. No. 22-13766

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 Ranch, 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 Unnamed Stream and Swamps which is a tributary of Teton River
3. Location of point of diversion is Township 4N Range 45E Sec. 21, in the 1/4, NE 1/4, SE 1/4, Govt. Lot _____,
E.B.M., Teton County;
additional points of diversion if any: NESW, Section 22, T4N., R45E.
4. Water will be used for the following purposes:
Amount 11.6 afa for Aesthetic and Wildlife STORAGE 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) 11.6
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 berms or dikes 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. Ponds will be shallow ponds 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.

9. Description of place of use:

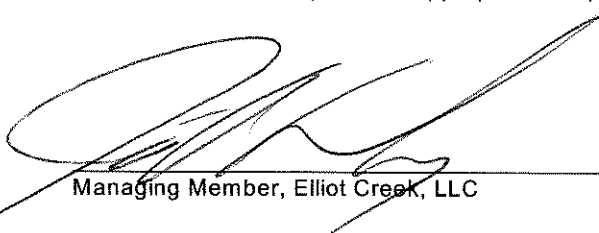
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	21													WJ				

Total number of acres to be irrigated _____

- Describe any other water rights used for the same purposes as described above. _____
- Who owns the property at the point of diversion? Applicant
 - Who owns the land to be irrigated or place of use? Applicant
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
- Remarks: Applicant has control of Water Right Nos. 22-677 and 22-4189 for irrigation purposes. Applicant will forego irrigation of 3.87 acres under said rights for one irrigation season to provide one time fill of 11.6 acre feet for ponds, the level of which will be maintained thereafter by dikes 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.
- 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

Received by SC Date 3/19/07 Time _____ Preliminary check by _____
 Fee \$ 100- Receipted by SC # E032702 Date _____
 Publication prepared by SC Date 3/18/07 Published in Teton Valley News
 Publication approved _____ Date _____



Elliott Creek Water Rights Budget and Narrative
ELLIOTT CREEK RANCH, LLC, PARCEL F, PONDS 8 & 9
2-27-2007

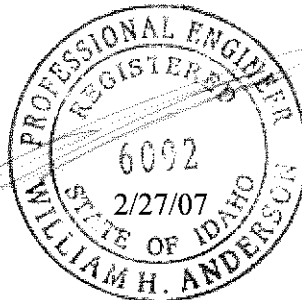
The following tables are calculations of historic and proposed consumptive use on the Elliott Creek Ranch LLC (ECR) Property. The data used in the calculations is based on an IDWR Study on Potential Evapotranspiration, "*Allen, Richard G. and Clarence W. Robison, 2006. Evapotranspiration and Consumptive 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 ECR.

A jurisdictional wetland study completed during November 2004 on the ECR 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 – Ponds 8 and 9, Parcel F**" 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 ECR property, Ponds 8 & 9, is that there was no significant change between the historic consumptive use and the proposed consumptive use. Specifically, with proposed roads the consumptive use decreased 0.0030 cfs and with out roads, the consumptive use decreased 0.0001 CFS during the growing season (May – September). Both changes in consumptive use are not significant.

Table "**Elliott Creek – Ponds 8 and 9, Parcel F**" also shows the irrigated acreage required to be taken out of production for filling the pond. The acreage required is 3.87 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	5.53	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 ET_c (ET_{pot}) 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.'
 ET_{pot} includes evaporation from the soil surface from both precipitation and any simulated irrigation. ET_{pot} was computed as $ET_{pot} = ET_{bas} + K_e$.

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 - PONDS 8 AND 9, PARCEL F

PONDS 8 & 9 (Parcel F) - 5.8 acres:

	Sq. Ft.	% Tot. Area	January	February	March	April	May	June	July	August	September	October	November	December	Growing Season	Net Annual
HISTORIC ET																
Wetlands - narrow stand	99263.00	39.3%	5663.41	7294.72	8379.16	12114.44	16859.26	28918.34	76421.94	91867.85	30090.71	9994.41	5471.04	5249.59	153.00	296314.87
Open Water - shallow systems	23660.00	9.3%	1821.06	2532.17	3737.96	6052.16	8897.95	10017.36	10874.27	10183.54	7513.02	5562.98	2782.60	1892.94	244156.11	71788.00
Open Water - Stock Ponds/Lakes	35340.00	14.0%	3162.69	4477.52	6541.43	10573.88	15203.43	17530.38	19228.93	17827.19	13147.79	9776.20	4869.55	3342.60	47396.14	125651.80
Grass Pasture - High Management	13953.00	5.5%	666.96	884.40	1163.63	1867.67	5037.68	8514.39	9465.17	8727.25	5136.10	1887.36	796.51	636.58	36890.59	44785.90
Grass Pasture - Low Management	80331.00	31.8%	3839.86	5017.91	6617.64	10436.42	24101.27	40796.90	45179.67	41830.00	25616.66	10375.90	4565.70	3676.47	177524.51	222074.31
Bare Soil - Gravels	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	200.00	0.1%	11.19	13.41	16.07	23.42	54.72	102.16	121.23	112.69	68.11	21.76	11.02	10.58	458.90	566.36
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)	252647.00	100.0%	15155.36	20190.13	26455.89	41067.99	69954.31	105879.55	161391.20	170546.53	81572.39	37638.52	18516.42	14810.75	589345.98	763181.04

PROPOSED ET

Wetlands - narrow stand	75794.00	30.0%	4316.76	5570.01	6388.05	9250.19	12873.19	22081.11	58353.31	70147.30	22976.29	7631.41	4177.51	4008.42	185431.19	227793.54
Open Water - shallow systems	50630.00	20.0%	3905.69	5430.83	8016.94	12960.26	18654.90	21464.60	23636.91	21841.02	16113.45	11974.02	5967.95	4059.86	101630.80	153966.37
Open Water - Stock Ponds/Lakes	101059.00	40.0%	9044.66	12718.23	18706.01	30237.29	43476.05	50130.25	54987.45	50979.01	37957.69	27956.23	13925.07	9559.57	237170.45	359316.51
Grass Pasture - High Management	12632.00	5.0%	603.82	800.67	1053.47	1690.85	4560.74	7708.29	8569.05	7901.00	4649.84	1708.67	721.10	575.12	33886.92	40545.61
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
Bare Soil - Gravels	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	12632.00	5.0%	706.59	847.08	1014.93	1479.49	3455.88	6452.59	7656.90	7117.32	4301.72	1374.65	696.23	668.05	28984.42	35771.45
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)	252647.00	100.0%	18577.52	25366.82	35189.39	55638.11	83020.67	107866.84	153103.62	157965.66	86638.99	50644.98	25487.85	18873.02	587605.76	817983.46

HET minus PET (CF/month)
Net change - in CFS

			-3422.16	-5176.69	-8733.51	-14570.12	-13066.36	-1977.29	8287.58	12562.87	-4068.60	-13006.46	-6971.43	-4062.26	1740.19	-54202.44
															0.0001	-0.0017

Roads and Driveways - 1.04 acres (12' travel/16' total) - Parcel F:

	Sq. Ft.	% Tot. Area	January	February	March	April	May	June	July	August	September	October	November	December	Growing Season	Net Annual
HISTORIC ET																
Wetlands - narrow stand	20037.60	44.2%	1141.22	1472.54	1691.45	2445.47	3403.27	5837.57	15425.82	18544.79	6074.22	2017.51	1104.40	1059.70	153.00	365
Open Water - shallow systems	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 - 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
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
Grass Pasture - Low Management	25264.80	55.8%	1207.67	1578.18	2081.30	3282.34	7560.06	12830.98	14209.40	13155.90	8056.66	3263.28	1442.24	1156.28	55833.01	69844.31
Bare Soil - Gravels	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)	45302.40	100.0%	2348.89	3050.72	3772.75	5727.81	10983.33	18668.55	29636.22	31700.69	14130.89	5280.79	2546.65	2215.98	105119.67	130063.26

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	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 - 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
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
Grass Pasture - Low Management	19933.06	44.0%	952.81	1245.13	1642.08	2589.66	5880.41	10123.20	11210.73	10379.55	6356.43	2574.62	1137.88	912.27	44050.33	55104.76
Bare Soil - Gravels (roads)	25369.34	56.0%	2089.92	2446.98	2889.76	3895.19	5289.30	5393.33	4179.83	4179.83	3745.37	3096.17	1972.56	1986.71	22787.66	41164.95
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)	45302.40	100.0%	3042.73	3692.10	4531.84	6484.84	11269.70	15516.54	15390.56	14559.39	10101.80	5670.79	3110.44	2898.98	66837.99	96269.71

HET minus PET (CF/month)
Net change - in CFS

			-693.84	-641.39	-759.09	-757.03	-286.37	3152.01	14245.66	17141.30	4029.09	-390.00	-563.79	-682.99	38281.88	33793.55
															0.0029	0.0011

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

HET minus PET (CF/month)	-4115.99
HET minus PET Average daily CFS	-0.0015
HET minus PET Average daily GPM	-0.69

Summary without roads:

HET minus PET (CF/month)	-3422.16
HET minus PET Average daily CFS	-0.0013
HET minus PET Average daily GPM	-0.57

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). With proposed roads, the consumptive use decreased 0.003 cfs and with out the consumptive use decreased 0.001 cfs during the growing season.

ANDERSON
ASSOCIATES, INC.

ELLIOTT CREEK - PONDS 8 AND 9, PARCEL F

Parcel	Pond Number	Driveway (ft.)		Road (ft.)		Wetland		Total Access (ft.)		Total Access (Acres, 16' wide)	
		UPLAND	WETLAND	UPLAND	WETLAND	UPLAND	WETLAND	UPLAND	WETLAND	UPLAND	WETLAND
F		1516.00	674.00	75.00	575.00	1591.00	1249.00	0.58	0.46		

Point of Diversion (2)	Place of Use	Average Pond Surface	Average Pond Depth	Pond Capacity	One Time Fill Volume above Ground Water
T4N R4SE	T4N R4SE	acres	ft (1)	acre-feet (1)	acre-feet
NESE, Sec.21	NESE, Sec.21	5.80	4.50	26.10	11.6
					3.87

Notes:

1. Average pond depth equals average total pond depth that includes ground water.
2. The point of diversion area includes surface and waste water and springs upstream of the place of use.

Elliott Creek Boundary

NE

Spring

SENE

2101

2

0101

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ANDERSON
ENGINEERING, INC.