

FORM 202  
12/99Ident. No. 22-134 25

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of Applicant Blackfoot Farms, LLC Phone 801-584-5700  
Mailing address 500 Huntsman Way Salt Lake City, Utah 84108
2. Source of water supply unnamed springs which is a tributary of unnamed stream
3. Location of point of diversion is Township 5N Range 45E Sec. 27 in the NW  $\frac{1}{4}$ ,  
SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., Teton County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 11.37 AF for Fish and Wildlife purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 11.37 AF for Recreation purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.02 cfs for stockwater purposes from 8/1 to 11/1 (both dates inclusive)  
(cfs or acre-feet per annum)  
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) 0.02 cfs and/or (b) 11.37 AF  
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 uncontrolled groundwater and springs
- b. Height of storage dam N/A feet; active reservoir capacity 8.63 acre-feet; total  
reservoir capacity 8.63 acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A 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 years 5 (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. Beef cattle < 100 head  
c. Municipal; show name of municipality. \_\_\_\_\_  
d. Domestic; show number of households. \_\_\_\_\_  
e. Other; describe fully. Fish and wildlife habitat enhancements, recreational fishing

b. If water is used for other purposes, place a symbol for

b. 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.

[illegible]

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?  
b. Who owns the land?

|                                                                                                               |                      |
|---------------------------------------------------------------------------------------------------------------|----------------------|
| b. Who owns the land to be irrigated or place of use?                                                         | Blackfoot Farms, LLC |
| c. If the property is owned by a partnership, joint venture, or other entity, what is the name of the entity? | Blackfoot Farms, LLC |

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

Remarks: Purpose of

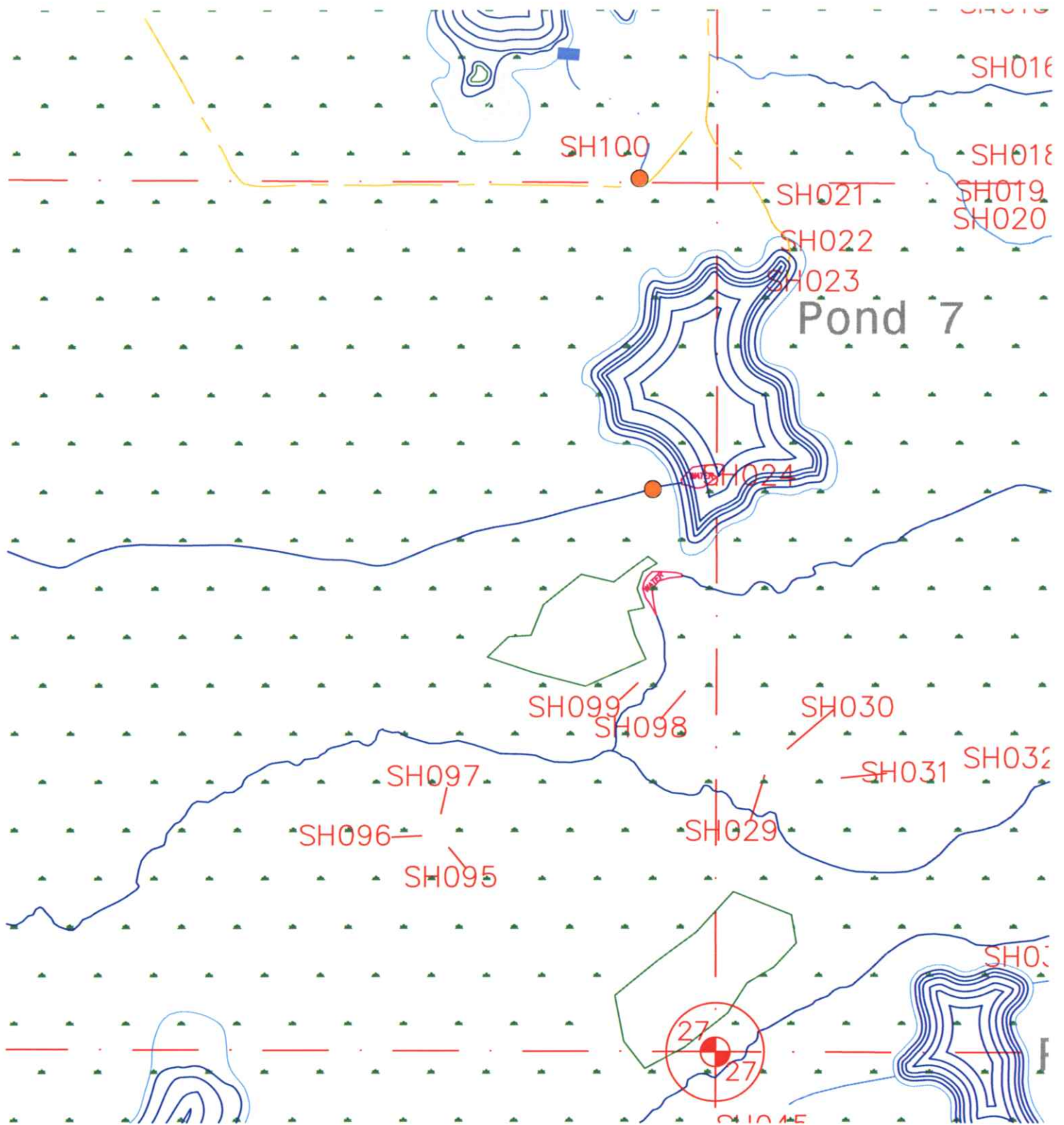
12. Remarks: Purpose of use is for fish and wildlife enhancements. Groundwater and spring discharge will provide continuous recharge. This is a gaining area, and thus water loss to seepage is not expected. If needed, water will be rented from the Water District #1 rental pool. Pond 7 will be stocked with Yellowstone Cutthroat trout and recreational fishing may occur. Aeration will be installed to reduce temperature and nutrient loading. This pond will be managed for long-billed curlew. Rotational grazing is planned for grass control and habitat management. A mitigation plan for evaporation loss is attached.

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.

Signature of Applicant (and title, if applicable)

Received by \_\_\_\_\_ Date 8/25/05 Time \_\_\_\_\_  
 Fee \$ 100  
 Publication prepared by \_\_\_\_\_ Received by SC  
 Publication approved SC Date 9/15 9/20/05 # 6031205 Preliminary check by \_\_\_\_\_  
 Date \_\_\_\_\_ Published in Teton Valley News Date 8/25/05



## Pond Details

Habitat=Waterbird/Fishery  
 Surface Acreage=2.36  
 Max Depth=12'  
 Volume=20,539 cy  
 HWL=6068'

## Pond 7

Pond design for the proposed  
 Blackfoot Farms habitat  
 enhancement project, Teton  
 County, ID

Scale: 1" = 200'

- Pond Contour (2 foot)
- Pond Contour (0.5 foot)
- Islands
- Existing Spring Creek
- Existing Drainage Channel
- Existing Ditch
- Existing Open Water
- Proposed Channel
- Berm
- Water Control Structure
- Fish Wheel
- Contour (2')
- SH Spring Head

Mitigation Plan  
For  
Blackfoot Farms, LLC  
Sarah Sams and Harvey Walker  
500 Huntsman Way  
Salt Lake City, UT, 84108  
(208) 313-4487  
[ssams@onewest.net](mailto:ssams@onewest.net)

August 15, 2005

W. Roger Warner  
Water Right Supervisor-Eastern Region  
IDWR Eastern Regional Office  
900 N. Skyline Dr. Suite A  
Idaho Falls, ID 83402-1708

Dear Mr. Warner,

The Blackfoot Farms property is located east of the city of Driggs (T5, R45E, Sections 22, 23, 26 and 27) and accessed by traveling north on Highway 33 from Driggs for approximately one-half mile and west onto an unimproved dirt road at the historic Curtis Ranch facilities (Attachment 1). The proposed project area lies within the East Snake River Plain moratorium, requiring mitigation for the consumptive use of water that is expected to evaporate from the proposed waterfeatures.

Historic use of this property has been dominated by three generations of cattle ranching, including a productive hay operation. Flood irrigation occurs on the majority of the property and the existing springs are utilized for irrigating pasture as well as providing a year-round water source for cattle. Diversions from spring creeks for the purpose of pasture irrigation will no longer occur. Over 20,000 lineal feet of existing ditches will be rehabilitated into emergent wetland features. This will involve the removal of historic side cast materials currently filling adjacent wetlands and the placement of high quality excavated wetland sod into the ditch. All existing points of diversion on the property will be maintained.

Cattle grazing, as it currently exists on the property, will be discontinued. Grazing within the project area will cease for a minimum of two years to allow for the reestablishment of scrub-shrub and herbaceous plants. The reintroduction of cattle will occur through the use of a grazing management plan, for the purpose of waterbird habitat management.

The proposed project will create approximately 33 acres of open water and shallow water wetland habitat for waterbird species such as the long-billed curlew, trumpeter swans, sandhill cranes, waterfowl, shorebirds, and big game such as moose (Attachment 2). Several waterfeatures will be stocked with Yellowstone cutthroat trout. Channels connecting a series of waterfeatures will provide spawning opportunities for this stocked fishery, with the goal of natural reproduction and proliferation.

Evaporative loss for each waterfeature was calculated using the Pond Consumptive Use Calculations for Driggs, Idaho (Attachment 3). This method incorporates data from several different sources and provides the total acre-feet of water loss for each pond per year, as well as, the required mitigation for these losses (Peppersack 2004).

Table 1. Pond values for the proposed wildlife habitat enhancement project, Blackfoot Farms, Teton County, ID.

| <u>Waterfeature</u> | <u>Surface Area (ac)</u> | <u>Volume of Evaporative Loss<br/>per Year (AF)</u> | <u>Mitigation - Acreage to be<br/>Dried Up</u> |
|---------------------|--------------------------|-----------------------------------------------------|------------------------------------------------|
| 1                   | 3.28                     | 5.80                                                | 2.83                                           |
| 2                   | 1.46                     | 2.58                                                | 1.26                                           |
| 3                   | 4.52                     | 7.99                                                | 3.90                                           |
| 4                   | 3.75                     | 6.63                                                | 3.23                                           |
| 5                   | 2.52                     | 4.45                                                | 2.17                                           |
| 6                   | 1.04                     | 1.84                                                | 0.90                                           |
| 7                   | 2.36                     | 4.17                                                | 2.03                                           |
| 8                   | 2.08                     | 3.68                                                | 1.79                                           |
| 9                   | 1.16                     | 2.05                                                | 1.00                                           |
| 10                  | 2.89                     | 5.11                                                | 2.49                                           |
| 11                  | 5.07                     | 8.96                                                | 4.37                                           |
| 12                  | 1.20                     | 2.12                                                | 1.03                                           |
| 13                  | 1.31                     | 2.32                                                | 1.13                                           |
|                     | <b>Totals</b>            | <b>57.70</b>                                        | <b>28.13</b>                                   |

Evaporative losses associated with the proposed waterfeatures will be mitigated through Water Right # A22-00153, source Teton Creek, tributary to the Teton River. Point of diversion is the Price-Fairbanks Ditch headgate, located at T5N, R46E, Sec19, NE ¼, SE ¼, SE ¼ (Attachment 4).

Over twenty-eight acres of irrigated uplands will be dried up as mitigation for consumptive use associated with the proposed waterfeatures. This acreage is located at T5N, R45E, Sec27, NE ¼, NE ¼ (Attachment 4). The mitigation of 28.13 acres addresses the evaporative losses associated with the proposed waterfeatures and does not include the quantity of water required for filling or losses due to seepage. The project area is located in a gaining reach, thus losses due to seepage are not expected. Ponds will be filled through groundwater and rented water from the Water District #1 rental pool.

Please contact me at (208) 313-4487 or [ssams@onewest.net](mailto:ssams@onewest.net) with any questions or comments concerning the proposed mitigation plan.

Sincerely,

Sarah Sams  
Hydrologist

## References

- Allen and Brockway. Driggs Consumptive Use from Allen and Brockway 1983.  
Downloaded August 12, 2005 from (<http://kimberly.uidaho.edu/cgi-bin/getcui.pl?fname=driggs.dat&GetIt=Retrieve>)
- Idaho Department of Water Resource's (IDWR).  
(<http://www.maps.idwr.idaho.gov/et/viewer.htm>)
- Peppersack, Jeff. *Consumptive Use for Ponds and Calculations to Determine the Number of Irrigated Acres to Dry Up for a Transfer to Change the Nature of Use from Irrigation to Pond Use*. Memorandum. February 6, 2004.
- Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine L. *Monthly shallow pond evaporation in Idaho*. ASAE paper PNW 92-111. 1992. Downloaded July 18, 2005 from ([http://snow.ag.uidaho.edu/Publications/pond\\_evap/POND.html](http://snow.ag.uidaho.edu/Publications/pond_evap/POND.html))
- Saxton, Glen S. *Consumptive use for Ponds*. Administrator's Memorandum: Water Allocation Bureau. February 23, 2004.
- Sutter and Corey. *Consumptive Irrigation Requirements for Crops in Idaho*. University of Idaho. July 1970.
- Warner, W. Roger. Personal communication. August 11, 2005.
- Western Regional Climate Center. Driggs, Idaho Period of Record Monthly Climate Summary. Downloaded July 18, 2005 from (<http://www.wrcc.dri.edu/cgi-bin/cliRECTM.pl?iddrig>)
- Young, Norman C. *Permitting Requirements for Ponds*. Water Management Division: Administrator's Memorandum. February 28, 2003.



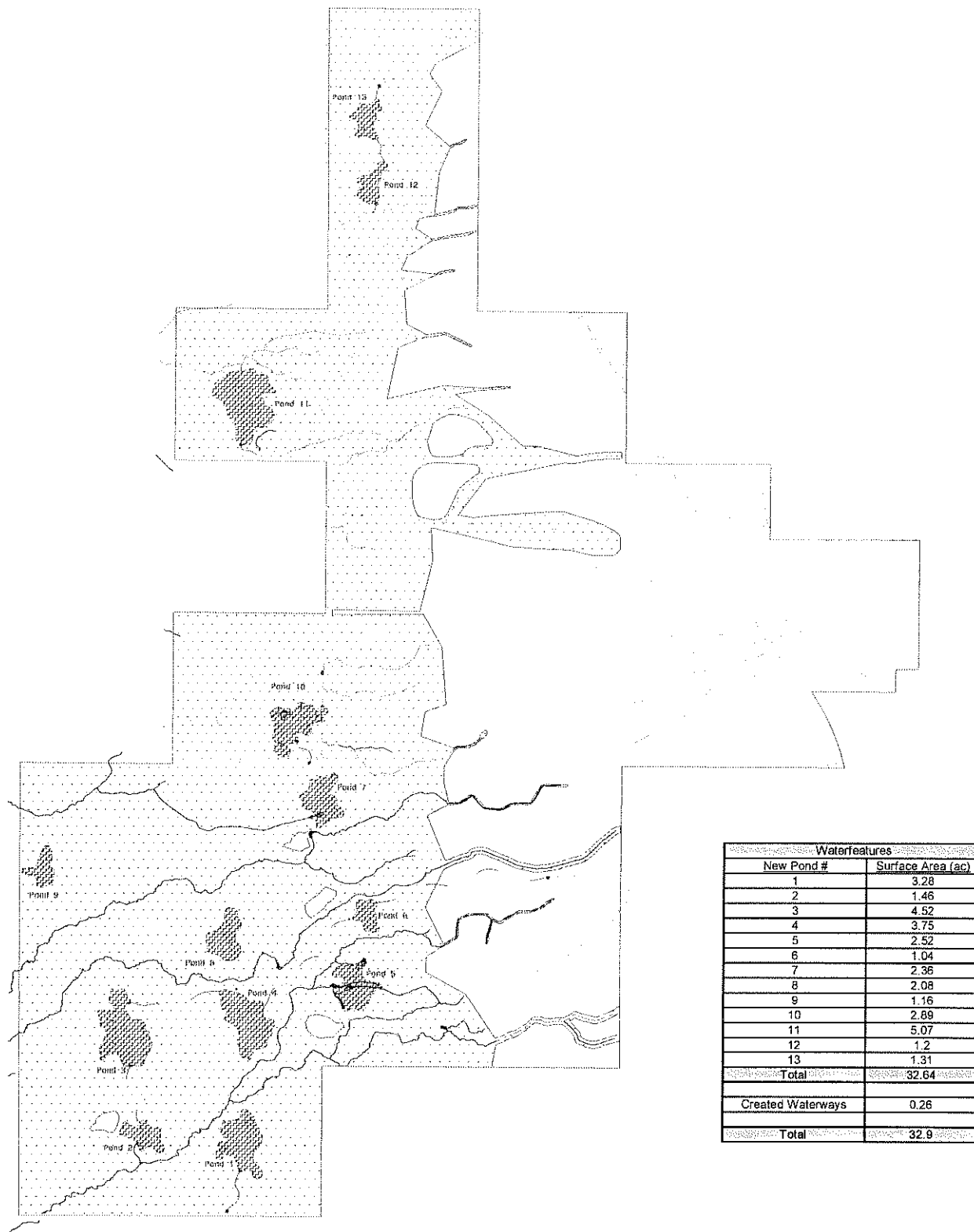
Scale 1"= 1,250'

**Attachment 1.  
Aerial photograph  
depicting the Blackfoot  
Farms property, Teton  
County, ID.**

**Legend**



**Blackfoot Farms  
Property Boundary**



| Water Features    |                   |
|-------------------|-------------------|
| New Pond #        | Surface Area (ac) |
| 1                 | 3.28              |
| 2                 | 1.46              |
| 3                 | 4.52              |
| 4                 | 3.75              |
| 5                 | 2.52              |
| 6                 | 1.04              |
| 7                 | 2.36              |
| 8                 | 2.08              |
| 9                 | 1.16              |
| 10                | 2.89              |
| 11                | 5.07              |
| 12                | 1.2               |
| 13                | 1.31              |
| <b>Total</b>      | <b>32.64</b>      |
| Created Waterways |                   |
|                   | 0.26              |
| <b>Total</b>      | <b>32.9</b>       |



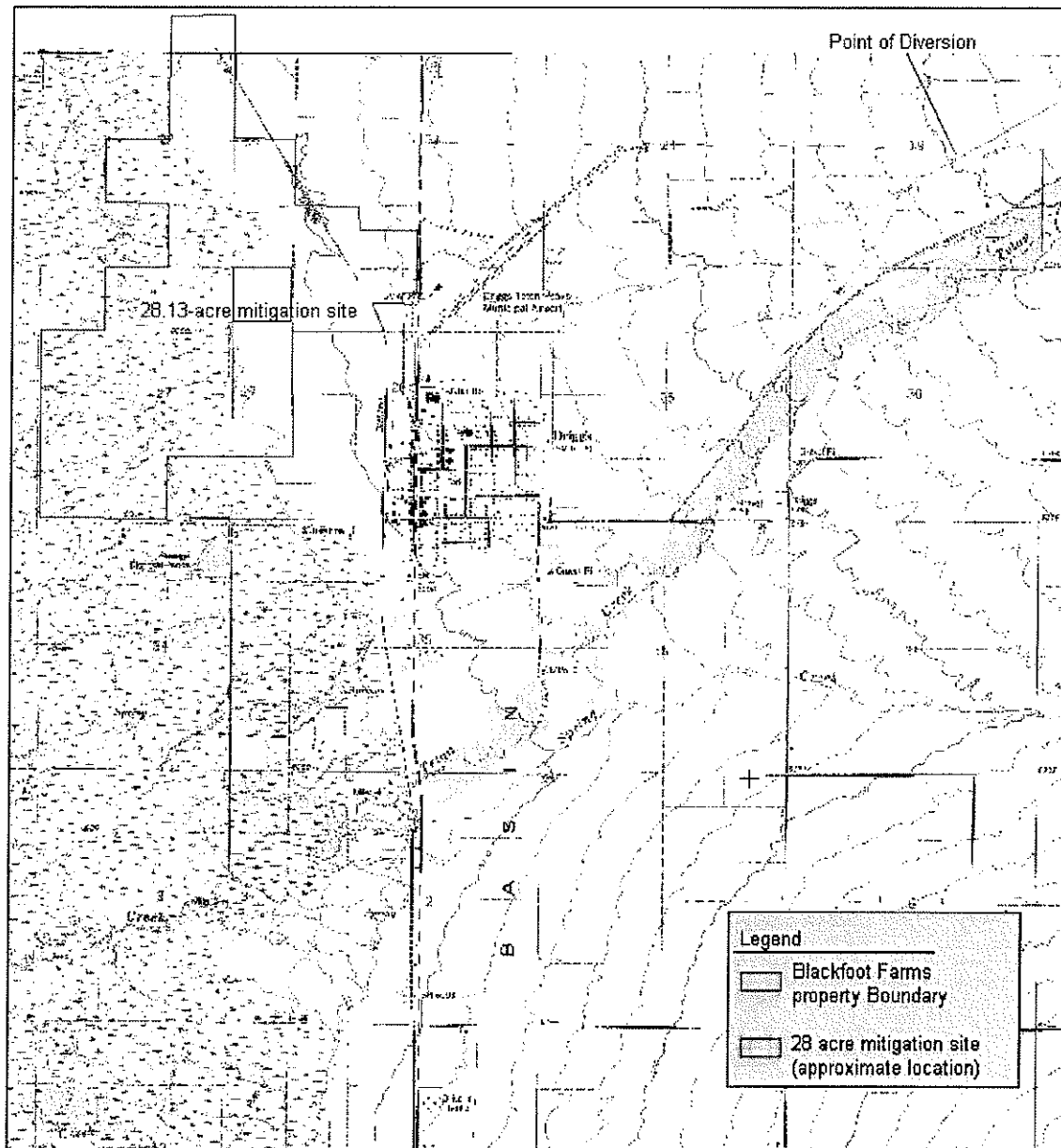
Scale  
1"=2,500'

**Attachment 2.**  
**Planview of the proposed**  
**wildlife enhancement**  
**project, Blackfoot Farms,**  
**Teton County, ID.**

**Legend**

-  Proposed Water Features
-  Islands
-  Existing Spring Creek
-  Existing Drainage Channel
-  Existing Ditch
-  Existing Open Water
-  Proposed Channel
-  Delineated Wetland
-  Barn
-  Water Control Structure
-  Fish Wheel
-  Proposed Road (12' wide)

Date: June 20, 2006  
 Revised: July 12, 2006



Attachment 4.  
Topographic map depicting 28.13 acres of  
proposed mitigation and the associated  
point of diversion, Blackfoot Farms,  
Teton County, ID.

Approximate Scale: 1"=3,000'

## SPRING HEAD COORDINATES

| POINT | LATITUDE       | LONGITUDE       | NORTHING | EASTING  | POINT | LATITUDE       | LONGITUDE       | NORTHING | EASTING  |
|-------|----------------|-----------------|----------|----------|-------|----------------|-----------------|----------|----------|
| SH001 | N 43°44'10.50" | W 111°07'48.78" | 62424.20 | 10260.11 | SH060 | N 43°43'36.90" | W 111°07'50.28" | 59020.98 | 10149.97 |
| SH002 | N 43°44'08.28" | W 111°07'51.48" | 62199.34 | 10061.82 | SH061 | N 43°43'38.88" | W 111°07'41.88" | 59221.54 | 10766.86 |
| SH003 | N 43°44'08.78" | W 111°07'50.70" | 62247.96 | 10119.11 | SH062 | N 43°43'38.58" | W 111°07'39.90" | 59191.16 | 10912.39 |
| SH004 | N 43°44'08.88" | W 111°07'49.50" | 62260.11 | 10207.23 | SH063 | N 43°43'38.04" | W 111°07'38.16" | 59136.47 | 11040.20 |
| SH005 | N 43°44'08.40" | W 111°07'48.00" | 62211.50 | 10317.40 | SH064 | N 43°43'38.04" | W 111°07'37.44" | 59136.47 | 11093.08 |
| SH006 | N 43°44'06.96" | W 111°07'51.42" | 62065.64 | 10068.23 | SH065 | N 43°43'38.70" | W 111°07'36.90" | 59203.32 | 11132.74 |
| SH007 | N 43°44'06.48" | W 111°07'50.70" | 62017.03 | 10119.11 | SH066 | N 43°43'39.54" | W 111°07'37.50" | 59288.40 | 11088.67 |
| SH008 | N 43°44'06.36" | W 111°07'50.28" | 62004.87 | 10149.95 | SH067 | N 43°43'38.64" | W 111°07'34.86" | 59187.25 | 11282.58 |
| SH009 | N 43°44'06.06" | W 111°07'49.44" | 61974.49 | 10211.64 | SH068 | N 43°43'39.00" | W 111°07'34.08" | 59233.72 | 11339.87 |
| SH010 | N 43°44'06.42" | W 111°07'49.26" | 62010.95 | 10224.86 | SH069 | N 43°43'39.30" | W 111°07'34.02" | 59264.11 | 11344.28 |
| SH011 | N 43°44'06.12" | W 111°07'48.84" | 61938.02 | 10255.71 | SH070 | N 43°43'39.78" | W 111°07'33.96" | 59312.72 | 11348.68 |
| SH012 | N 43°44'06.12" | W 111°07'47.52" | 61980.57 | 10352.65 | SH071 | N 43°43'39.90" | W 111°07'34.02" | 59324.86 | 11344.27 |
| SH013 | N 43°44'05.28" | W 111°07'47.70" | 61895.48 | 10339.43 | SH072 | N 43°43'40.08" | W 111°07'33.90" | 59343.11 | 11353.09 |
| SH014 | N 43°44'05.40" | W 111°07'46.92" | 61907.64 | 10396.72 | SH073 | N 43°43'40.80" | W 111°07'33.90" | 59416.04 | 11353.08 |
| SH015 | N 43°44'04.74" | W 111°07'46.20" | 61840.79 | 10449.60 | SH074 | N 43°43'37.68" | W 111°07'34.08" | 59100.02 | 11339.88 |
| SH016 | N 43°44'03.60" | W 111°07'45.90" | 61725.33 | 10471.63 | SH075 | N 43°43'38.58" | W 111°07'33.00" | 59191.19 | 11419.20 |
| SH017 | N 43°44'03.00" | W 111°07'43.32" | 61664.56 | 10661.11 | SH076 | N 43°43'37.88" | W 111°07'32.16" | 59130.42 | 11480.90 |
| SH018 | N 43°44'02.46" | W 111°07'45.98" | 61609.86 | 10467.23 | SH077 | N 43°43'38.22" | W 111°07'30.66" | 59154.73 | 11591.08 |
| SH019 | N 43°44'01.92" | W 111°07'46.26" | 61555.16 | 10445.20 | SH078 | N 43°43'43.08" | W 111°07'51.42" | 59646.93 | 10066.24 |
| SH020 | N 43°44'01.50" | W 111°07'46.26" | 61512.62 | 10445.20 | SH079 | N 43°43'43.14" | W 111°07'51.66" | 59653.00 | 10048.61 |
| SH021 | N 43°44'01.86" | W 111°07'50.16" | 61549.08 | 10158.77 | SH080 | N 43°43'43.02" | W 111°07'54.54" | 59640.85 | 9837.07  |
| SH022 | N 43°44'01.32" | W 111°07'49.80" | 61494.39 | 10185.21 | SH081 | N 43°43'37.62" | W 111°07'52.62" | 59093.90 | 9978.10  |
| SH023 | N 43°44'00.72" | W 111°07'50.16" | 61433.62 | 10158.77 | SH082 | N 43°43'37.88" | W 111°07'57.00" | 59130.37 | 9656.38  |
| SH024 | N 43°43'57.66" | W 111°07'51.54" | 61123.68 | 10057.42 | SH083 | N 43°43'39.00" | W 111°07'56.16" | 59233.68 | 9718.08  |
| SH025 | N 43°43'58.68" | W 111°07'41.88" | 61227.01 | 10766.89 | SH084 | N 43°43'39.84" | W 111°07'55.58" | 59318.76 | 9762.15  |
| SH026 | N 43°43'58.26" | W 111°07'41.88" | 61184.47 | 10766.89 | SH085 | N 43°43'40.20" | W 111°07'55.58" | 59355.22 | 9762.15  |
| SH027 | N 43°43'56.94" | W 111°07'39.54" | 61050.77 | 10938.75 | SH086 | N 43°43'40.86" | W 111°07'55.74" | 59422.07 | 9748.93  |
| SH028 | N 43°43'56.40" | W 111°07'40.02" | 60996.08 | 10903.50 | SH087 | N 43°43'46.08" | W 111°07'54.54" | 59950.79 | 9837.08  |
| SH029 | N 43°43'53.34" | W 111°07'50.58" | 60686.12 | 10127.93 | SH088 | N 43°43'45.96" | W 111°07'55.32" | 59938.53 | 9779.79  |
| SH030 | N 43°43'53.46" | W 111°07'50.34" | 60698.28 | 10145.55 | SH089 | N 43°43'45.90" | W 111°07'55.50" | 59932.56 | 9766.57  |
| SH031 | N 43°43'53.10" | W 111°07'49.26" | 60661.82 | 10224.88 | SH090 | N 43°43'46.88" | W 111°07'57.18" | 60011.56 | 9643.17  |
| SH032 | N 43°43'53.10" | W 111°07'45.18" | 60661.82 | 10524.54 | SH091 | N 43°43'46.74" | W 111°07'57.18" | 60017.64 | 9643.18  |
| SH033 | N 43°43'53.34" | W 111°07'43.50" | 60686.12 | 10647.92 | SH092 | N 43°43'46.80" | W 111°07'57.42" | 60023.72 | 9625.55  |
| SH034 | N 43°43'52.86" | W 111°07'43.26" | 60637.52 | 10665.55 | SH093 | N 43°43'29.34" | W 111°08'15.06" | 59255.32 | 8329.79  |
| SH035 | N 43°43'53.82" | W 111°07'41.82" | 60734.75 | 10771.31 | SH094 | N 43°43'41.28" | W 111°08'21.48" | 59464.72 | 7858.34  |
| SH036 | N 43°43'54.00" | W 111°07'40.86" | 60752.99 | 10841.82 | SH095 | N 43°43'52.26" | W 111°07'57.42" | 60570.66 | 9625.56  |
| SH037 | N 43°43'54.12" | W 111°07'40.38" | 60765.14 | 10877.07 | SH096 | N 43°43'52.26" | W 111°07'57.66" | 60576.74 | 9607.93  |
| SH038 | N 43°43'54.54" | W 111°07'39.90" | 60807.69 | 10912.32 | SH097 | N 43°43'52.44" | W 111°07'57.48" | 60594.97 | 9621.15  |
| SH039 | N 43°43'50.40" | W 111°07'45.68" | 60388.35 | 10489.29 | SH098 | N 43°43'54.54" | W 111°07'52.20" | 60807.87 | 10008.95 |
| SH040 | N 43°43'52.02" | W 111°07'38.82" | 60522.06 | 10991.66 | SH099 | N 43°43'54.66" | W 111°07'53.16" | 60819.82 | 9938.44  |
| SH041 | N 43°43'52.02" | W 111°07'38.88" | 60552.45 | 10987.25 | SH100 | N 43°44'02.28" | W 111°07'53.70" | 61591.82 | 9898.78  |
| SH042 | N 43°43'52.74" | W 111°07'39.00" | 60625.37 | 10978.43 | SH101 | N 43°44'09.48" | W 111°08'05.58" | 62320.91 | 9026.31  |
| SH043 | N 43°43'52.80" | W 111°07'38.52" | 60631.45 | 11013.69 | SH102 | N 43°44'10.50" | W 111°08'00.60" | 62424.21 | 9392.05  |
| SH044 | N 43°43'46.80" | W 111°07'50.88" | 60023.71 | 10105.90 | SH103 | N 43°44'11.04" | W 111°08'00.30" | 62478.90 | 9414.08  |
| SH045 | N 43°43'47.58" | W 111°07'49.74" | 60102.72 | 10189.63 | SH104 | N 43°44'11.28" | W 111°08'00.18" | 62503.21 | 9422.90  |
| SH046 | N 43°43'47.58" | W 111°07'49.38" | 60102.72 | 10216.07 | SH105 | N 43°44'11.76" | W 111°08'00.48" | 62551.83 | 9400.87  |
| SH047 | N 43°43'47.10" | W 111°07'45.72" | 60054.10 | 10484.89 | SH106 | N 43°44'11.82" | W 111°08'00.60" | 62557.90 | 9392.05  |
| SH048 | N 43°43'47.64" | W 111°07'41.88" | 60108.81 | 10766.93 | SH107 | N 43°44'13.08" | W 111°08'03.60" | 62885.53 | 9171.74  |
| SH049 | N 43°43'47.76" | W 111°07'38.46" | 60120.97 | 11018.12 | SH108 | N 43°44'13.08" | W 111°08'03.92" | 62885.53 | 9149.71  |
| SH050 | N 43°43'47.04" | W 111°07'35.58" | 60048.06 | 11229.65 | SH109 | N 43°44'13.20" | W 111°08'05.40" | 62897.69 | 9074.80  |
| SH051 | N 43°43'45.54" | W 111°07'46.44" | 59896.10 | 10432.01 | SH110 | N 43°44'13.20" | W 111°08'05.40" | 62897.69 | 9039.55  |
| SH052 | N 43°43'43.38" | W 111°07'44.84" | 59677.32 | 10564.22 | SH111 | N 43°44'13.68" | W 111°08'06.00" | 62746.31 | 8995.49  |
| SH053 | N 43°43'42.60" | W 111°07'43.50" | 59598.32 | 10647.96 | SH112 | N 43°44'14.16" | W 111°08'07.14" | 62794.93 | 8911.77  |
| SH054 | N 43°43'42.90" | W 111°07'39.78" | 59628.72 | 10921.19 | SH113 | N 43°44'14.28" | W 111°08'07.44" | 62807.09 | 8889.74  |
| SH055 | N 43°43'42.84" | W 111°07'39.72" | 59622.64 | 10925.59 | SH114 | N 43°44'14.82" | W 111°08'07.86" | 62861.78 | 8858.90  |
| SH056 | N 43°43'42.90" | W 111°07'38.12" | 59628.72 | 10969.66 | SH115 | N 43°44'14.70" | W 111°08'07.68" | 62849.63 | 8872.12  |
| SH057 | N 43°43'41.64" | W 111°07'36.60" | 59501.11 | 11154.76 | SH116 | N 43°44'14.94" | W 111°07'55.92" | 62873.91 | 9735.75  |
| SH058 | N 43°43'41.52" | W 111°07'36.06" | 59488.95 | 11194.42 | SH117 | N 43°44'11.52" | W 111°07'52.02" | 62527.51 | 10022.16 |
| SH059 | N 43°43'41.82" | W 111°07'34.98" | 59519.34 | 11273.75 |       |                |                 |          |          |

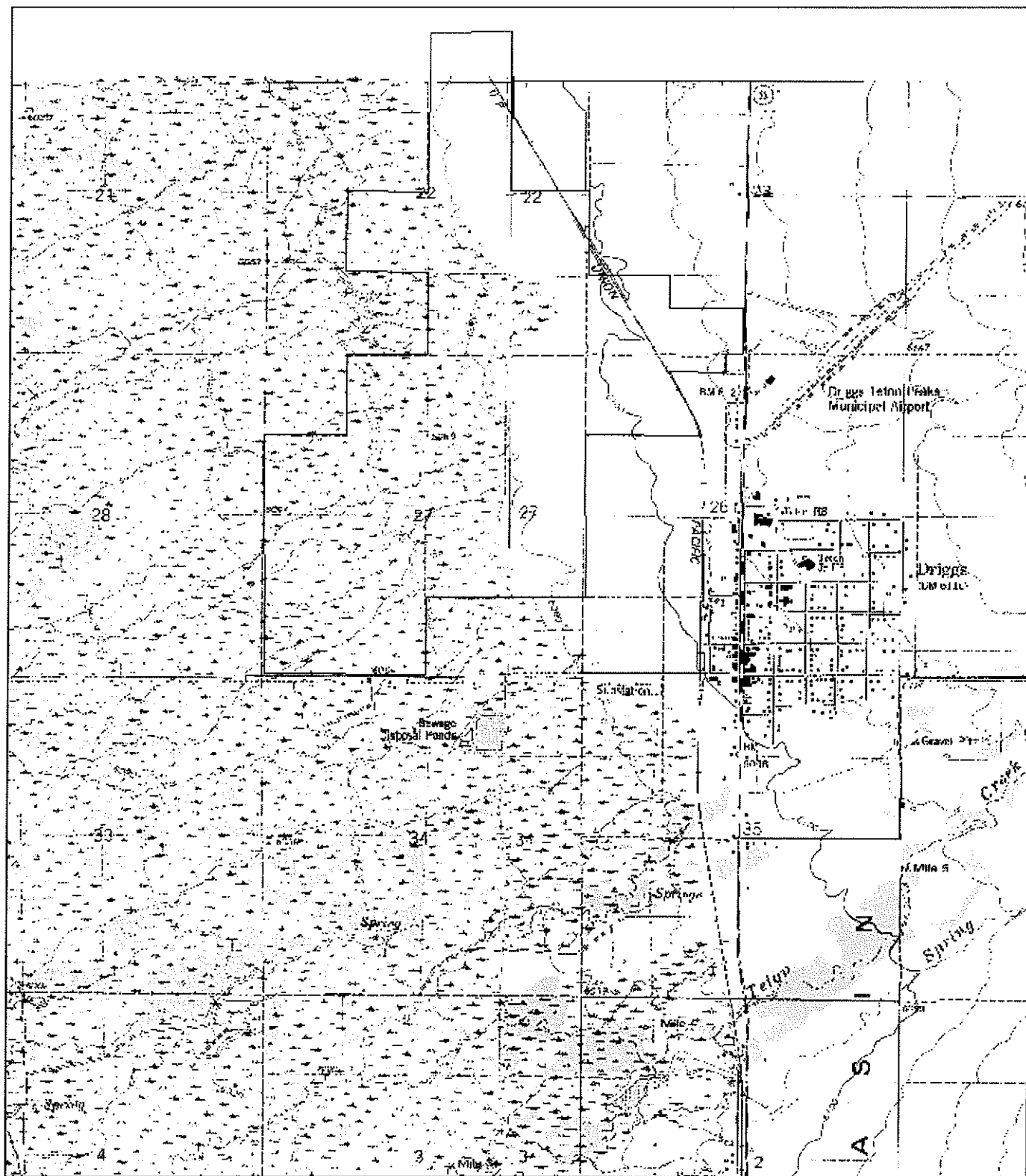
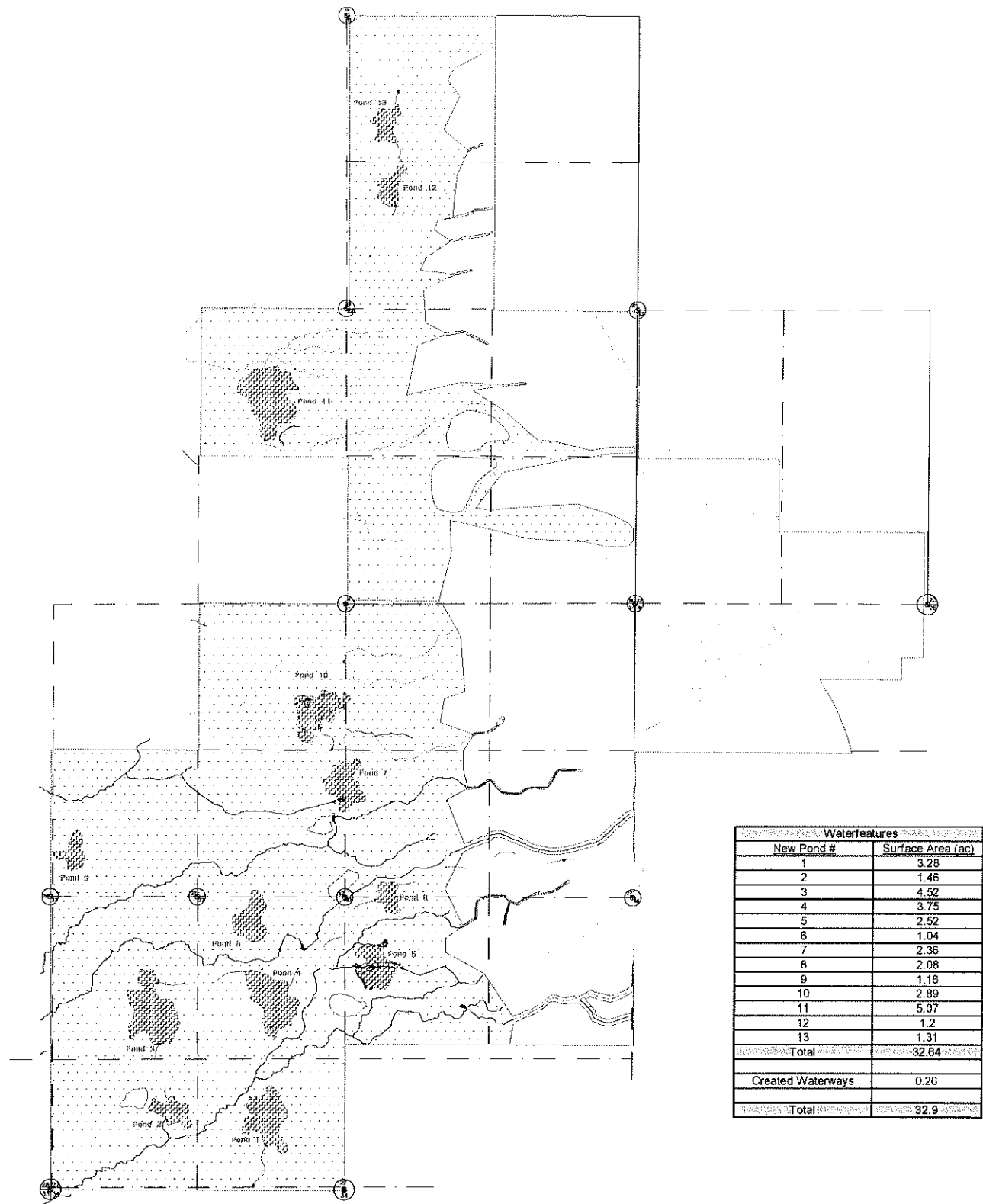


Figure 1.  
Topographic map depicting the proposed  
enhancement project, Blackfoot Farms,  
Teton County Idaho.

Scale: 1"=2,000'



| Waterfeatures     |                   |
|-------------------|-------------------|
| New Pond #        | Surface Area (ac) |
| 1                 | 3.28              |
| 2                 | 1.46              |
| 3                 | 4.52              |
| 4                 | 3.75              |
| 5                 | 2.52              |
| 6                 | 1.04              |
| 7                 | 2.36              |
| 8                 | 2.08              |
| 9                 | 1.16              |
| 10                | 2.89              |
| 11                | 5.07              |
| 12                | 1.2               |
| 13                | 1.31              |
| Total             | 32.84             |
| Created Waterways | 0.26              |
| Total             | 32.9              |

Figure 2.  
Planview of the proposed  
wildlife enhancement  
project, Blackfoot Farms,  
Teton County, ID.

#### Legend

- ▨ Proposed Waterfeatures
- ▨ Islands
- ▨ Existing Spring Creek
- ▨ Existing Drainage Channel
- ▨ Existing Ditch
- ▨ Existing Open Water
- ▨ Proposed Channel
- ▨ Delineated Wetland
- ▨ Berm
- ▨ Water Control Structure
- ▨ Fish Wheel
- ▨ Proposed Road (12' wide)

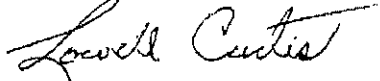
January 3, 2005

Blackfoot Farms, L.C. and  
Idaho Water Resource Board

This is in regards to the property that I sold to the Blackfoot Farms, L.C.

The water from the springs on the property has always been used to irrigate the pastures,  
and for year-around watering of livestock.

Sincerely,

A handwritten signature in cursive script that reads "Lowell Curtis". The signature is written in dark ink and is positioned above the printed name.

Lowell Curtis

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

DELOG  
AR 1-28-05  
RECEIVED

JAN 26 2005

Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| A22-00153             |                              |       |                       |                              |       |
| A22-11981             |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).  
**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Lowell B. Curtis or Juliana Curtis

4. New Owner/Claimant(s)

Blackfoot Farms, L.C.

Mike R. Stearns and/or Assigns

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

414 W 525 S

500 Huntsman Way

City, State and ZIP Code

Victor, ID 83455

Salt Lake City, UT 84108

New Telephone Number

(801) 584-5564

5. Date you acquired the property

12/7/04

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*Don M. W. Max*  
Blackfoot Farms, L.C.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

**RECEIVED**

DEC 17 2004

TETON CO., ID  
CLERK RECORDER**GRANT DEED**  
(A)**Instrument # 165240**

DRIGGS, TETON, IDAHO

2004-12-17

01:58:55 No. of Pages: 3

Recorded for : ALLIANCE TITLE &amp; ESCROW

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy *[Signature]*

Index to: DEED, GRANT

THIS INDENTURE is made this 15 day of December, 2004, between Lowell B. Curtis and Julina L. Curtis, husband and wife, the "Grantor", and Blackfoot Farms, L.C., whose mailing address is Attn: Tom Muir, 500 Huntsman Way, Salt Lake City, Utah, 84108, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

See Attached Legal Description

SUBJECT to all patent reservations, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and rights of way, easements and encumbrances of record, including but not limited to the following:

1. Each of the special exceptions on Schedule B-Section 2, Section C. Special Exceptions contained in Title Commitment No. 3040412909-G issued by Alliance Title & Escrow Corp, as updated December 9, 2004.
2. Any discrepancies between the described boundary and the fence lines as described on the record of survey performed by A W Engineering, as surveyed August 10, 2004, drawn August 17, 2004, and revised December 8, 2004, and the record of survey as surveyed July 27, 2004, drawn August 8, 2004, and revised December 1, 2004.
3. Subject to ditch easement that conveys water to adjoining property in the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 26.

TOGETHER with all water rights appurtenant thereto, and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

165240

## DEED A

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.  
Section 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Beginning at the Northwest corner of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence South 40 rods; thence East 80 rods; thence North 12 rods; thence East 80 rods; thence North 28 rods; thence West 160 rods to the point of beginning. Excepting therefrom the rail road right of way.

Beginning at the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence North 52 rods; thence East 115 feet; thence Southeasterly along the railroad right of way to a point that is 560 feet East of the Southwest corner of the Northeast Quarter of the Northwest Quarter; thence West 560 feet to the point of beginning.

The South Half of the Northwest Quarter of the Northwest Quarter, Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

The North Half of the Southeast Quarter; the Southwest Quarter; the East Half of the Northeast Quarter; and the Southwest Quarter of the Northeast Quarter of Section 27, Township 5 North, Range 45 East Boise Meridian, Teton County, Idaho.

Less and Excepting therefrom: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from John D. Killpack, Jr., et ux, by Warranty Deed dated May 11, 1910, filed for record December 3, 1912, in Book 10 of Deeds at Page 361 of the Records of Fremont County, Idaho, being described in said deed as follows:

A strip of land 100 feet wide, being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 23, Township 5 North, Range 45 East, Boise Meridian. The course of said centerline of main track being more particularly described as follows, to-wit: Beginning at a point in the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 23 and 372.2 feet Easterly from the Northwest corner thereof; thence South 31°01' East, 1562 feet to a point in the South line of said Section 23 and 1198 feet Easterly from the Southwest corner thereof.

Also excepting therefrom: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from Pratt Ranch Company, et al, by Warranty Deed dated May 12, 1920 filed for record December 3, 1912 in Block 10 of Deeds at page 569 of the records of Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide being 50 feet in width on each side of the center-line of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the N  $\frac{1}{2}$  NW  $\frac{1}{4}$  of Section 25, Township 5 North, Range 45 East of the Boise Meridian.

The course of said centerline of main track being more particularly described as follows, to wit: Beginning at a point in the North line of said NW  $\frac{1}{4}$  of Section 26 and 1198 feet easterly from the Northwest corner thereof; thence South 32°1' East 868.4 feet; thence Southerly along a spiraled curve to the right with a radius of 1910.1 feet for a distance of 678.3 feet, more or less, to a point in the South line of NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Section 26 and 1953.2 feet, more or less, Easterly from the Southwest corner of the N  $\frac{1}{2}$  NW  $\frac{1}{4}$  thereof."

**RECEIVED****165241**

DEC 17 2004

TETON CO., ID  
CLERK RECORDER**GRANT DEED  
(B)****Instrument # 165241**

DRIGGS, TETON, IDAHO

2004-12-17

01:58:55 No. of Pages: 3

Recorded for: ALLIANCE TITLE &amp; ESCROW

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Index to: DEED, GRANT

Fee: 9.00

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See Attached Legal Description

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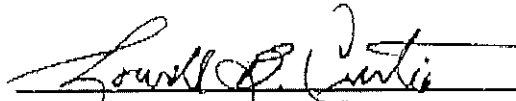
TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

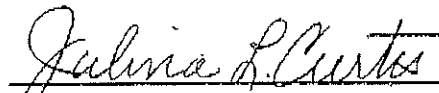
**165241**

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

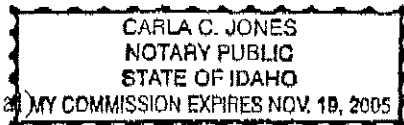
  
Lowell B. Curtis, Grantor

  
Julina L. Curtis, Grantor

STATE OF IDAHO           )  
                                  )ss.  
County of Teton         )

On the 15 day of December, 2004, before me, the undersigned, a notary public, in and for said State, personally appeared Lowell B. Curtis and Julina L. Curtis, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

  
(seal) CARLA C. JONES  
NOTARY PUBLIC  
STATE OF IDAHO  
MY COMMISSION EXPIRES NOV. 19, 2005

  
Notary Public for Idaho  
Residing at: Driggs  
My Commission Expires: 11/19/05