

Cefalo, James

From: Cefalo, James
Sent: Friday, December 27, 2024 10:15 AM
To: TJ Budge; nathan@coldwaterpaint.com
Cc: Michelle Mortimer; Henman, Christina
Subject: Application for Transfer 89232 (Good Timber Ranch)
Attachments: Good Timber Ownership Change Reports.pdf

T.J.,

I received your amendment for Application 89232 in the mail on December 23rd. You asked me to prepare the public notice of the amended application quickly so that the protest period would end prior to the pre-hearing conference, which is currently scheduled for January 23rd. Unfortunately, we discovered that the Teton Valley News is not running public notices over the holiday weeks. The soonest that the notice of the amended application could be published is January 8th, which would mean the protest period would end on January 27th. It looks like the pre-hearing conference will need to be bumped by at least one week to accommodate the earliest publication dates.

I've spent some time reviewing the amended application and found a few things that need to be corrected before we move forward with publishing notice of the amended application.

1. Good Timber Ranch filed a Notice of Change in Water Right Ownership in August 2024 proposing to update the ownership records for water rights 22-683A, 22-7037, 22-7710 and 22-13915. Good Timber proposed to split water rights 22-7710 and 22-13915. A 4-acre portion of those two rights and a small storage pond is on land now owned by Richard Gebhard. Jonie has been struggling to know how to split the water rights because the storage pond is on Gebhard's property, but the bulk of the irrigated acres are on Good Timber's property. I decided to take on the task and split the water rights. Good Timber's portion of water right 22-7710 was assigned right number 22-14625. Good Timber's portion of water right 22-13915 was assigned right number 22-14626. Jonie will send out an official confirmation letter for the ownership change sometime next week. However, the updated water right reports are attached. Please review the split portions and let me know if you disagree with how the elements were divided. Feel free to use the updated water right numbers in the amended application. It is also acceptable to retain the existing references to water right 22-7710 and 22-13915.
2. For the table in Part 3C.1, the rights should include a "diversion to storage" element. The diversion rates (cfs) would be associated with the diversion to storage element. The diversion volumes (af) would be associated with the recreation storage element. I noticed that the diversion rates are not proportional to the number of acres being dried up. Perhaps this was intentional. For example, if 7.5 acres are dried up under water right 22-683A, this equates to a proportionate diversion rate of 0.30 cfs ($7.5 \text{ acres} / 43.8 \text{ acres} \times 1.75 \text{ cfs} = 0.30 \text{ cfs}$). The application proposes to dedicate 0.34 cfs of the right to diversion to storage. If this was intentional, that is fine. The same issue exists for water rights 22-2279 and 22-14626 (22-13915).
3. The existing irrigation places of use for water rights 22-683A, 22-2279, 22-14625 and 22-14626 overlap. Based on the maps and tables provided, the amended application proposes to convert 7.5 acres of the overlapping place of use to recreation storage. Using the ET values provided in the amended application, 7.5 acres represents 15.2 acre-feet of consumptive use ($7.5 \text{ acres} \times 2.02 \text{ af/acre} = 15.2 \text{ af}$). Therefore, the maximum combined volume available for recreation storage for water rights 22-683A, 22-14625 and 22-14626 is 15.2 acre-feet. The table in Part 3C should list 15.2 af for each of these rights instead of 17.17 af. Right 22-2279 is a little different. The amended application proposes to convert 13 acres of water right 22-2279 to recreation storage. 7.5 acres of the 13 acres overlap with water rights 22-683A, 22-14625 and 22-14626. If water right 22-2279 were always available, 13 acres would equate to 26.3 af of consumptive use ($13 \text{ acres} \times 2.02 \text{ af/acre} = 26.3 \text{ af}$). Water right 22-2279 is a very junior water right

and is not available for most of the summer. This would limit the amount of consumptive use occurring under that right. In other words, the volume available for conversion to recreation storage is likely far less than 26.3 af. The amended application did not include any analysis of how often water right 22-2279 is available. Without such an analysis, it is difficult to know what amount of consumptive use is available for recreation storage under water right 22-2279. The same issue exists for water right 22-7658. Without an analysis of water right availability (based on Teton River curtailment levels), it is difficult to know what consumptive use value to assign to water right 22-7658.

4. It appears that some of the proposed points of diversion in the table in Part 3C.3 are in error. Based on the maps, it appears that the proposed points of diversion for Big Springs, Spring, and Forest Spring will all be in the NWSE of Section 22. I also wonder whether there should be a second point of diversion on Pole Creek. Water rights 22-14625 and 22-14626 describe a point of diversion from Pole Creek in the NWSW of Section 26. Water right 22-683A, however, describes a point of diversion in Lot 4 (NWNW) of Section 26. If both points are active diversions that deliver water to the Good Timber property, both points of diversion should be listed on the table in Part 3C.3.
5. The proposed place of use table in Part 3C.4 should be updated to reflect the water right splits. The Gebhard property in the SWSW of Section 23 can be removed from the table. (These 4.0 acres were listed in the row for Section 22 in error.) Based on the maps provided, if the transfer is approved, the irrigation place of use would include the following acres in Section 22: 9 acres (NESW), 29 acres (NESE), 5.5 acres (NWSE), 1.8 acres (SESE). This totals 45.3 acres.
6. The table of acres to be dried up (in Part 2C) is not consistent with the maps. The maps suggest that 7.5 acres will be dried up in the NWSE of Section 22 under water rights 22-683A, 22-14625 and 22-14626. The maps also show that one acre will be dried up under water right 22-7658 (0.5 acres in the NESW and 0.5 acres in the NWSE of Section 22). The maps also show that 13 acres will be dried up in the NWSE of Section 22 under water right 22-2279. You can choose how you want to represent this information in the Part 2C table.
7. Part 4B.2 has a minor error in right number. 22-2270 should be 22-2279.

I will wait to hear back from you on the corrections to the amended application before finalizing the public notice.

James

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