

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87581

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Blake Murray

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 13 2023

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Eastern Region

Name of Applicant(s) Blake Murray Phone (425) 381-3939
 Mailing address 6164 Old Orchard Lane, Holladay, UT 84121 Email blakemur@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

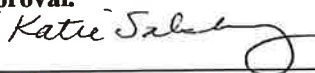
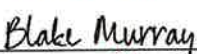
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Katie Salsbury Phone 208-354-3690
 Mailing address PO Box 1115, Driggs, ID 83422 Email katie@intermountainaquatics.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
 OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
 OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

	Katie Salsbury, Authorized Representative	<u>2/7/2023</u>
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	Blake Murray	<u>2/7/2023</u>
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use
 ☐ Add diversion point(s)
☒ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Two ponds will be constructed for Wildlife Storage - necessitating a change of nature of use for both.
They are located primarily within the irrigation POU for the existing water right, however the south
pond is a slight change of place of use. No physical change of the point of diversions are proposed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or ☐ Part	22-4089	5.77 cfs	Irrigation	6/15 to 9/30	Elliott Creek&Foster Slough/Unnamed Stream&Elliott Creek/Unnam
☐ ☐	22-4089	0.63 cfs	Diversion to Storage	6/15 to 9/30	Elliott Creek&Foster Slough/Unnamed Stream&Elliott Creek/Unnam
☐ ☐	22-4089	53.3 af	Wildlife Storage	1/1 to 12/31	Elliott Creek&Foster Slough/Unnamed Stream&Elliott Creek/Unnam
☐ ☐	22-4089	0.02 cfs	Stockwater	6/15 to 9/30	Elliott Creek&Foster Slough/Unnamed Stream&Elliott Creek/Unnam
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.4 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 0.63 cubic feet per second and/or 53.3 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	21		40	40	40	38.1	22.2	31.3	38.5						40			290.1
4N	45E	20	10			6.3													16.3
4N	45E	21					W	W	W	W									
4N	45E	20				W													
Total Acres (for irrigation use)																			306.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
This can be easily accommodated by incorporating a flume at the POD and lock at the headgate.
No physical change to existing points of diversion is proposed.

- b. Who owns the property at the point(s) of diversion? Landowner (Blake Murray); Robert F Spetzler Family Trust
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Historical diversion for this water right.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

n/a

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? **No**
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
2.4 acres of irrigated land will be removed from irrigation and reverted to dry pasture, and 2.3 acres of area not currently within the water right will be converted to wildlife storage. Irrigated areas converted to Wildlife Storage will experience wetland creation and enhancement to benefit wildlife, and make this landscape more resilient to climate change. Land now irrigated under the footprint of the proposed ponds will no longer be irrigated.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
No other water rights will be affected by this project.
A stockwater right is also owned under 20-4089 but will not be changed.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

None known

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

8 7 5 8 1

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

1/11/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-4089

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES W DEWEY
Current Owner	TREVA H DEWEY
	42 W 550 S
	VICTOR, ID 83455
	2087872756

Priority Date: 04/05/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ELLIOTT CREEK	FOSTER SLOUGH
UNNAMED STREAM	ELLIOTT CREEK
UNNAMED STREAM	FOSTER SLOUGH

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	6/15	9/30	6.4 CFS	
STOCKWATER	6/15	9/30	0.02 CFS	
Total Diversion			6.4 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM	NENE	Sec. 21	Township 04N	Range 45E	TETON County
UNNAMED STREAM	NWSE	Sec. 21	Township 04N	Range 45E	TETON County
ELLIOTT CREEK	NESWNW	Sec. 22	Township 04N	Range 45E	TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	45E	20		NENE	10		SENE	10						

	21	WNE	40	SWNE	40	S.E	40	
		NENW	40	NWNW	40	SWNW	40	SEnw
		NWSE	40					

Total Acres: 340

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Attachment #2a

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 268022

TETON COUNTY, IDAHO
04-28-2021 11:48:00 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - DRIGGS
JIM KEELEY Fee: \$16.00
Ex-Officio Recorder Deputy, Kim Keeley
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 958526-T (JP)

Date: April 20, 2021

For Value Received, **Crowfoot J Ranch LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Blake Thomas Murray and Tianna Murray, husband and wife**, hereinafter called the Grantee, whose current address is **6164 old Orchard Lane, Holladay, UT 84121**, the following described premises, situated in **Teton County, Idaho**, to-wit:

PARCEL 1:

**TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, ID:
SECTION 20: NE $\frac{1}{4}$**

LESS AND EXCEPTING THEREFROM:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 45 EAST OF THE BOISE MERIDIAN, TETON COUNTY, IDAHO AND RUNNING THENCE S0°09'06"E 511.93 FEET; THENCE NORTH 29°38'10"E 592.45 FEET TO THE CENTERLINE OF THE TETON RIVER; THENCE S89°24'44" W 294.33 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

**TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, ID:
SECTION 21: NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$**

PARCEL 3:

Together with that certain Grant of Easement created as described in Grant of Easement recorded December 28, 2004 as Instrument No. 165423.

Subject to the following:

Deed of Conservation Easement recorded on August 16th, 2000, in the records of Teton County, Idaho as Instrument No. 138975; Deed of Conservation Easement recorded on November 26th, 2003, in the records of Teton County, Idaho as Instrument No. 158695; and Deed of Conservation Easement recorded on July 30th, 2004, in the records of Teton County, Idaho as Instrument No. 162579. The terms and conditions of such Conservation Easements are incorporated herein by reference and the above described parcels are transferred and conveyed subject to the terms and conditions of such Conservation Easements.

Date: 04/20/2021

Warranty Deed
- continued

File No.: 958526-T (JP)

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 04/20/2021

Warranty Deed
- continued

File No.: 958526-T (JP)

Crowfoot J Ranch LLC,, an Idaho limited liability
company

By: James Dewey Jr
Name: James W Dewey, Jr
Title: Managing Member

STATE OF Idaho)
ss.
COUNTY OF Teton)

On this 28th day of April, 2021, before me, a Notary Public in and for said State, personally appeared **James W. Dewey, Jr.**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Crowfoot J Ranch LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



[Signature]
Notary Public of Idaho
Residing at: Victor, ID
Commission Expires: 03/21/2024

Narrative to Support Application*Blake Murray*

Application for Permit

Application for Transfer of a Portion of Water Right 22-4089

Blake Murray owns property located in Sections 20 and 21, T4N R45E, northwest of Victor, Idaho about ½ mile east of the Teton River. The property currently has water rights for stockwater and irrigation. The irrigation water right 22-4089 is for diversion of water from two Unnamed Streams and Elliot Creek for the irrigation of 340 acres.

Two ponds are proposed to be developed. Proposed surface areas are 19.6 acres for north pond and 14.0 acres for south pond, for a total surface area of 33.6 acres. The ponds will be relatively shallow, resulting in a storage volume of 62.8 acre-feet (AF) total. The water right components will be provided through a transfer of water rights as described in this narrative.

Application for Permit

This application proposes to obtain authorization only for the impoundment of 62.8 AF of water. No consumption of water is proposed under this water right. It is anticipated that the ponds will partially fill naturally from groundwater due to the locally high groundwater table.

The first-time fill of the ponds will require 62.8 AF of volume. Although the ponds will partially fill from groundwater, the volume will be mitigated by temporary non-use of 62.8 AF from a portion of water right 22-4089. The number of acres required for non-use is determined based on the historical consumptive use of "Grass pasture – low management," the historical irrigated use by water right 22-4089. ET Idaho 2017 (Allen and Robison 2017), using the Driggs (NWS – USC00102676) station, shows that "Grass pasture – low management" has a net irrigation requirement of 483 mm/yr, or 1.58 ft/yr. (A copy of all ET Idaho 2017 values used in this report are included in Figure 1.) To obtain 62.8 AF for fill, it would require non-use of 39.7 acres for one year.

$$62.8 \text{ AF} / 1.58 \text{ ft/yr} = 39.7 \text{ acres}$$

Application for Transfer of Water Right 22-4089

For the purposes of maintenance, both for evaporation and to assist with keeping the pond water fresh, it is proposed to convert a portion of water right 22-4089 to storage. Using IDWR's Pond Loss Calculation spreadsheet, evaporation was calculated to be 53.3 acre-ft annual (AFA) from the 33.6 acres of ponds.

$$483.29 \text{ mm/yr} / 304.8 \times 33.6 \text{ ac} = 53.3 \text{ AFA}$$

This value is based upon the precipitation deficit of Open Water – Shallow Systems, Driggs (NWS-USC00102676), from ET Idaho 2017, with removal of negative values. Figure 2 includes a copy of the Evaporation Loss Calculations from the IDWR Pond Loss Calculation spreadsheet.

Current land cover at the location of the ponds falls within the description of Grass Pasture – low management. According to ET Idaho 2017, using the Driggs (NWS-USC00102676) station, Grass Pasture – low management has a net irrigation requirement of 483 mm/year, or 1.58 ft/year. It will require 33.7 acres of existing irrigation land to provide the necessary volume of 53.3 AFA as determined in the calculation:

$$53.3 \text{ AFA} / 1.58 \text{ ft/yr} = 33.7 \text{ acres per year}$$

Of the 33.6 acres of land area within the proposed ponds, 31.3 acres are also within the existing place of use (irrigation). It is proposed to retire all 31.3 acres within the footprint of the ponds that also overlaps with the existing place of use, plus an additional 2.4 acres to the north of the north pond. This will total 33.7 acres of irrigation within the current place of use to be retired from irrigation. There is a 2.3-acre section of land that will be inundated by the south pond that is west of the current place of use.

Summary

The proposed ponds will have a total surface area of 33.6 acres and a volume of 62.8 AF. The storage component of the ponds is proposed to be provided through an Application for Permit for a new water right. First-time fill of 62.8 AF is proposed to be provided through a one-year non-use of water right 22-4089 to irrigate 39.7 acres. Maintenance of the ponds will be provided through the transferred portion of existing surface right 22-4089, which requires permanently retiring 33.7 acres from irrigation.

References

Allen, Richard G. and Clarence W. Robison, 2017. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2017, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

**Figure 1. ET_{Idaho} 2017 -- Evapotranspiration and Consumptive
Irrigation Water Requirements for Idaho
Driggs (NWS-USC00102676)**

Open water - shallow systems (ponds/streams)

[Precipitation Deficit \(Click here for a graph\)](#)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Meanⁱ	mm/day												mm		
Monthly ^j	-0.58	-0.06	0.48	1.27	1.7	3.19	3.3	3.1	2.05	0.71	-0.25	-0.76	432	0	432
15-Day Moving Average ^d	-0.63	-0.16	0.59	1.25	1.77	3.17	3.27	3.06	1.93	0.79	-0.27	-0.74			
7-Day Moving Average ^e	-0.61	-0.13	0.55	1.24	1.71	3.14	3.26	3.08	1.98	0.77	-0.3	-0.72			
3-Day Moving Average ^f	-0.59	-0.08	0.48	1.27	1.7	3.17	3.25	3.1	2.02	0.71	-0.25	-0.73			

Grass Pasture - low management

[Precipitation Deficit \(Click here for a graph\)](#)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Meanⁱ	mm/day												mm		
Monthly ^j	-0.07	0.04	0.16	0.14	1.43	4.03	4.25	3.94	2	-0.13	-0.5	-0.28	483	-23	460
15-Day Moving Average ^d	-0.07	0.02	0.18	0.11	1.43	3.97	4.26	3.94	1.91	-0.06	-0.5	-0.25			
7-Day Moving Average ^e	-0.07	0.03	0.16	0.1	1.42	3.98	4.23	3.93	1.94	-0.1	-0.51	-0.25			
3-Day Moving Average ^f	-0.06	0.05	0.16	0.12	1.42	4.01	4.24	3.94	1.97	-0.14	-0.5	-0.27			

Figure 2. Evaporation Loss Calculation, an excerpt from the IDWR Pond Loss Calculation Spreadsheet

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	22-4089
REVIEWER	Eric August
DATE	1/26/2023

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET = Evapotranspiration
P _d = Precipitation deficit
P _d = ET - P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:\Spatial\Climate\ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.58	31	0.00
Feb	-0.06	28	0.00
March	0.48	31	14.88
April	1.27	30	38.10
May	1.70	31	52.70
June	3.19	30	95.70
July	3.30	31	102.30
August	3.10	31	96.10
September	2.05	30	61.50
October	0.71	31	22.01
November	-0.29	30	0.00
December	-0.76	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 483.29

[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet

$$(483.29 \div 304.8) \times 33.60 = 53.8 \text{ AFA}$$

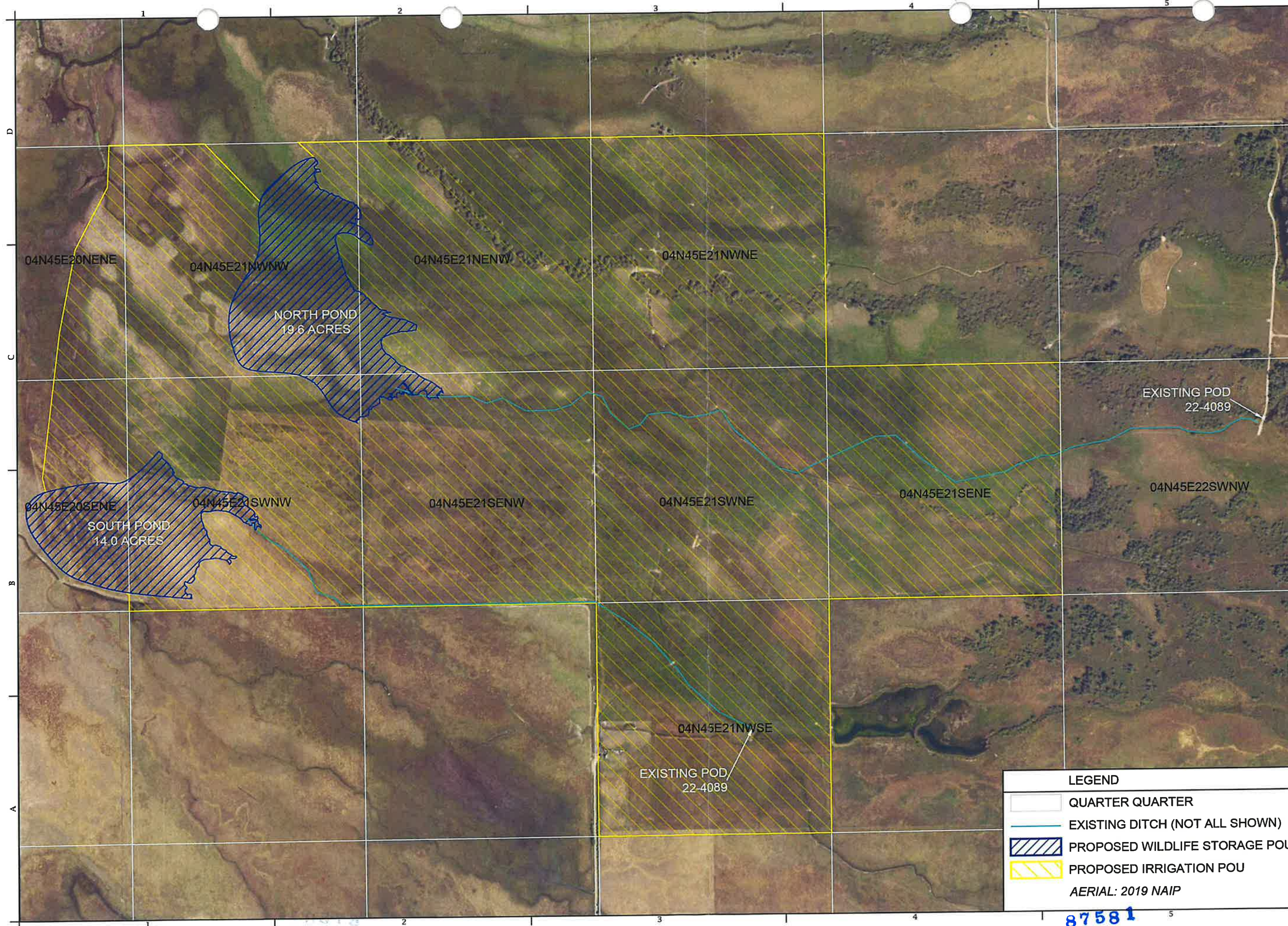
NOT FOR
CONSTRUCTION

FOSTER SLOUGH
Teton County, Idaho
Water Rights Permitting



DATE: January 31, 2023
DRAWN BY: GR
CHECKED BY: KS
JOB NAME: FOSTER SLOUGH.DWG
FILE: FOSTER SLOUGH WR PERMITTING.DWG
REVISIONS:

ATTACH.
#7a
PROPOSED



LEGEND

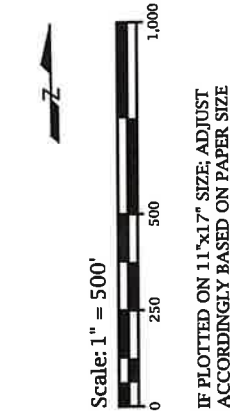
- QUARTER QUARTER
- EXISTING DITCH (NOT ALL SHOWN)
- PROPOSED WILDLIFE STORAGE POU
- PROPOSED IRRIGATION POU

AERIAL: 2019 NAIP

87581

NOT FOR
CONSTRUCTION

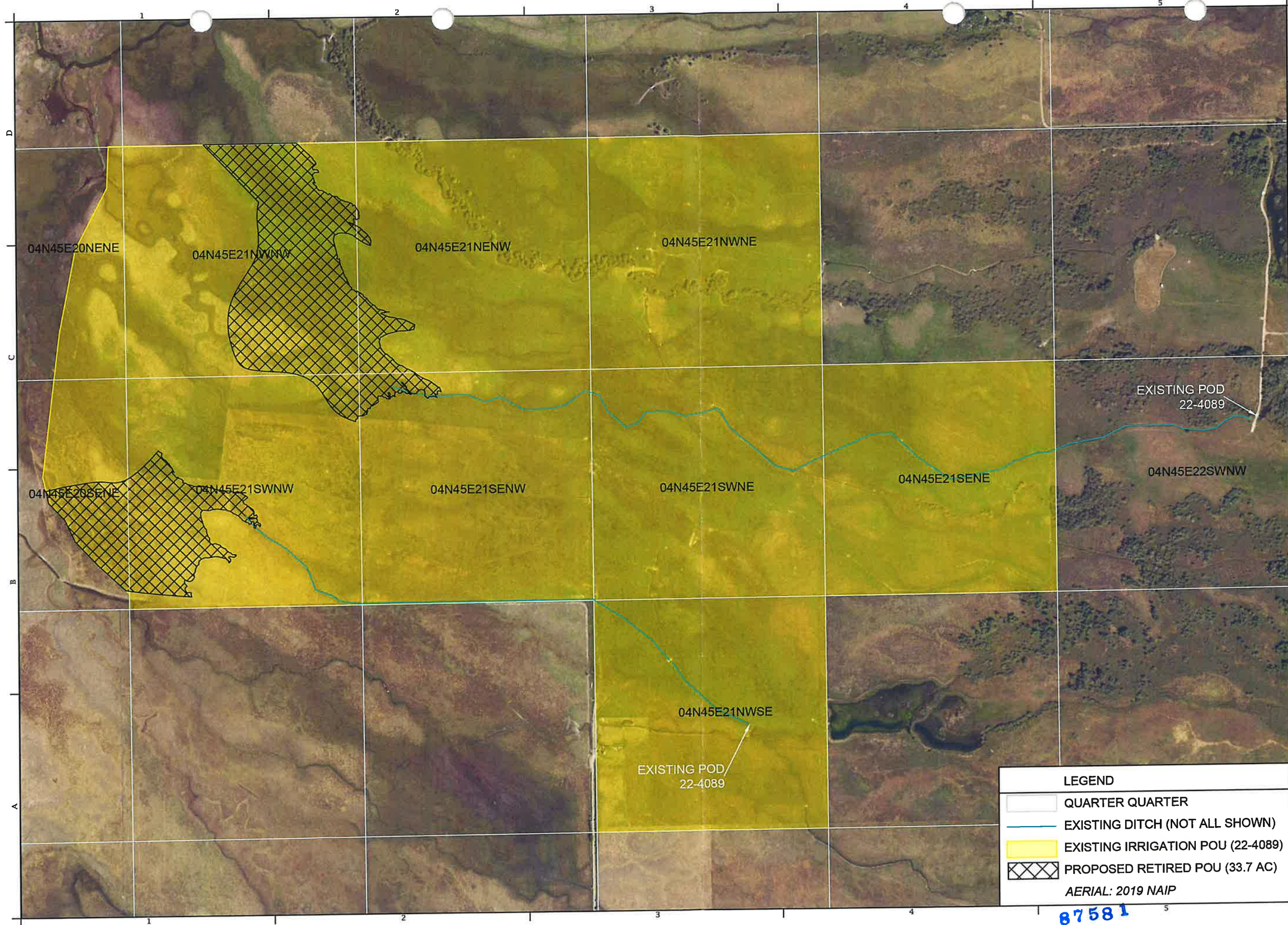
FOSTER SLOUGH
Teton County, Idaho
Water Rights Permitting



DATE: January 31, 2023
DRAWN BY: GR
CHECKED BY: KS
JOB NAME: FOSTER SLOUGH.DWG
FILE: FOSTER SLOUGH WIR PERMITTING.DWG
REVISIONS:

ATTACH.
#7a

EXISTING



LEGEND

- QUARTER QUARTER
- EXISTING DITCH (NOT ALL SHOWN)
- EXISTING IRRIGATION POU (22-4089)
- PROPOSED RETIRED POU (33.7 AC)

AERIAL: 2019 NAIP

87581



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 8, 2023

BLAKE MURRAY
6164 S OLD ORCHARD LN
HOLLADAY, UT 84121-1574

RE: Transfer No. 87581
Water Right No(s). 22-4089

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the TETON VALLEY NEWS on 3/15/2023 and 3/22/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
INTERMOUNTAIN AQUATICS INC
C/O KATIE SALSBURY
PO BOX 1115
DRIGGS, ID 83422-1115

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 8, 2023 3:33 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Teton Valley News
Attachments: 22-14534, 87581 Teton Valley News.docx

LEGAL NOTICE DEPARTMENT
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS, ID 83422

RE: Application for Permit No. 22-14534, 87581

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/3/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-14534

BLAKE MURRAY, 6164 S OLD ORCHARD LN, HOLLADAY, UT 84121-1574

Point of Diversion SWNW S21 T04N R45E TETON County

Source GROUND WATER Tributary

Point of Diversion NWNW S21 T04N R45E TETON County

Source GROUND WATER Tributary

Point of Diversion NENW S21 T04N R45E TETON County

Source GROUND WATER Tributary

Point of Diversion SWNW S21 T04N R45E TETON County

Source GROUND WATER Tributary

Point of Diversion SENW S21 T04N R45E TETON County

Source GROUND WATER Tributary

Point of Diversion SENE S20 T04N R45E TETON County

Source GROUND WATER Tributary

Use: WILDLIFE STORAGE

01/01 to 12/31

62.8 AF

Total Diversion:

62.8 AF

Date Filed: 02-13-2023

Place Of Use: WILDLIFE STORAGE

T04N R45E S20

SENE

Place Of Use: WILDLIFE STORAGE

T04N R45E S21

NENW,NWNW,SWNW,SENW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87581**

BLAKE MURRAY, 6164 S OLD ORCHARD LN, HOLLADAY, UT 84121-1574 has filed Application No. 87581 for changes to the following water rights within TETON County(s): Right No(s). 22-4089; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

change nature of use, period of use, and place of use. The proposed uses are irrigation, stockwater, diversion to storage (new), and wildlife storage (new). Applicant proposes to divert 5.77 cfs for irrigation, 0.02 cfs for stockwater, 0.63 cfs for diversion to storage, and 53.3 af for wildlife storage from Elliott Creek, Unnamed Stream tributary to Elliott Creek, and Unnamed Stream tributary to Foster Slough. The proposed period of use for wildlife storage is 1/1 to 12/31. The proposed place of use is in Sec 20 and 21 T04N R45E.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/15/2023 and 3/22/2023

Stosich, Scott

From: Ginny Robbins <ginny@intermountainaquatics.com>
Sent: Wednesday, March 1, 2023 1:33 PM
To: Stosich, Scott
Subject: RE: Blake Murray - Transfer Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Yes – all are correct: we are requesting the ownership change, the updated table is correct, and we do want to keep the stockwater portion.

Thanks,

Ginny Robbins

From: Stosich, Scott <Scott.Stosich@idwr.idaho.gov>
Sent: Wednesday, March 1, 2023 1:17 PM
To: Ginny Robbins <ginny@intermountainaquatics.com>
Subject: Blake Murray - Transfer Application

Ginny,

After reviewing the transfer application for water right 22-4089, there are a couple things to confirm and amend. First, I want to confirm that you want an ownership change accomplished to follow the warranty deed provided with the transfer application. Second, all sources and tributaries need to be listed on Part 1 (B). Last, please confirm that you plan on keeping the stockwater portion of the water right.

I have attached an amended application page with these changes that you can review. Please confirm that you agree to the changes.

Thanks,



Scott Stosich | Water Resource Agent, Sr.
Idaho Department of Water Resources
900 N Skyline Drive Suite A. Idaho Falls, ID 83402
(208) 497-3792 | scott.stosich@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

*original
- was updated
on 3/11
confirmed by email*

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or ☒ Part	22-4089	31.1 AF	Wildlife storage	1/01 to 12/31	Elliot Creek & Foster Slough
☐ ☒	22-4089	0.37 cfs	Diversion to storage	6/15 to 9/30	Elliot Creek & Foster Slough
☐ ☒	22-4089	22.2 AF	Wildlife storage	1/01 to 12/31	Unnamed strm & Foster Slough
☐ ☒	22-4089	0.26 cfs	Diversion to storage	6/15 to 9/30	Unnamed strm & Foster Slough
☐ ☐				to	
☐ ☒	22-4089	5.77 cfs	Irrigation	6/15 to 9/30	Elliot Creek / Unamed Stream & Foster Slough
☐ ☐				to	
☐ ☐		0.02 cfs	Stockwater	6/15 to 9/30	
☐ ☐				to	

Keep all sources

Total authorized under rights 6.4 cfs and/or 53.3 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.63 cubic feet per second and/or 53.3 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	21		40	40	40	38.1	22.2	31.3	38.5						40			291.3
4N	45E	20	10			6.3													16.3
4N	45E	21					W	W	W	W									
4N	45E	20				W													
Total Acres (for irrigation use)																			306.4