

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 15 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Flag Ranch, LLC

Mailing Address c/o Kevin Mayberry, 1795 W Broadway, Idaho Falls, ID 83402

Email* kevinjmayberry@gmail.com Phone 208-600-9902

Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.

Mailing Address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402

Email* kristin.rmea@gmail.com Phone 208-524-2353

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ N/A. This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	
6N	45E	18									5								5

Total Irrigated Acres to be Changed: 5

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☒ Change period of use |
| ☒ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

Applicant proposes to purchase 5 acres of water right 22-7143 and move it to the proposed location to fill and maintain a small fire pond and provide irrigation water within the subdivision.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☐				to	
☐ ☒	22-7143	0.01 cfs	Diversion to Storage	4/15 to 10/31	Ground water
☐ ☐		0.9 afa	Fire Protection Storage	1/01 to 12/31	Ground water
☐ ☐		0.06 cfs	Irrigation	4/15 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 0.07 cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
Y	6N	45E	21			SW	SW	Teton	Ground Water	

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

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	
6N	45E	21											4.5						4.5
													F						

Total Irrigated Acres: 4.5

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

22-7144, 22-7145, and 22-7146 are all diverted from the same well as 22-7143.

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

None

3. Is the proposed point of diversion within a state water district? ☒ Yes. ^{Proposed} Water District # 122. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☐ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐☒

currently used in a mitigation plan limiting the use of water under the right?

☐☒

subject to an agreement not to divert (CREP)?

☐☒

currently enrolled in a federal set-aside program (CRP)?

90223

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

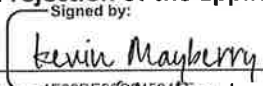
A new well with pump and mainline to deliver water directly to the fire pond and irrigation. A
measuring device can be installed at the time of design and drilling.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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.

Signed by: 	Kevin Mayberry, for Equity Trust Co.	12/5/2025
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
	Custodian FBO Kevin Mayberry	
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

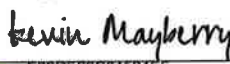
FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>450.00</u>	Receipt #: <u>E051336</u>	Date: <u>12/15/25</u>	Received by: <u>ctd</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

Date: 12/5/2025
 To: Idaho Department of Water Resources
 From: Flag Ranch, LLC
 Subject: Application for Transfer of Water Right 22-7143

Flag Ranch, LLC has entered into a purchase agreement with Rocky Mountain Water Exchange, LLC for the above-described water right(s) in the amount of 5.0 acres, as shown in Figure 1. As a part of the agreement, a transfer application must be filed to amend the water right on behalf of our project. We are submitting this application for transfer as part of the purchase agreement, with the understanding that title to the water right(s) can only be transferred upon execution and recording of a deed for the water right(s).

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

Signed by:

 Kevin Mayberry for Equity Trust Company
 Custodian FBO Kevin Mayberry
 Flag Ranch, LLC

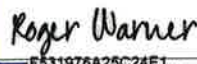
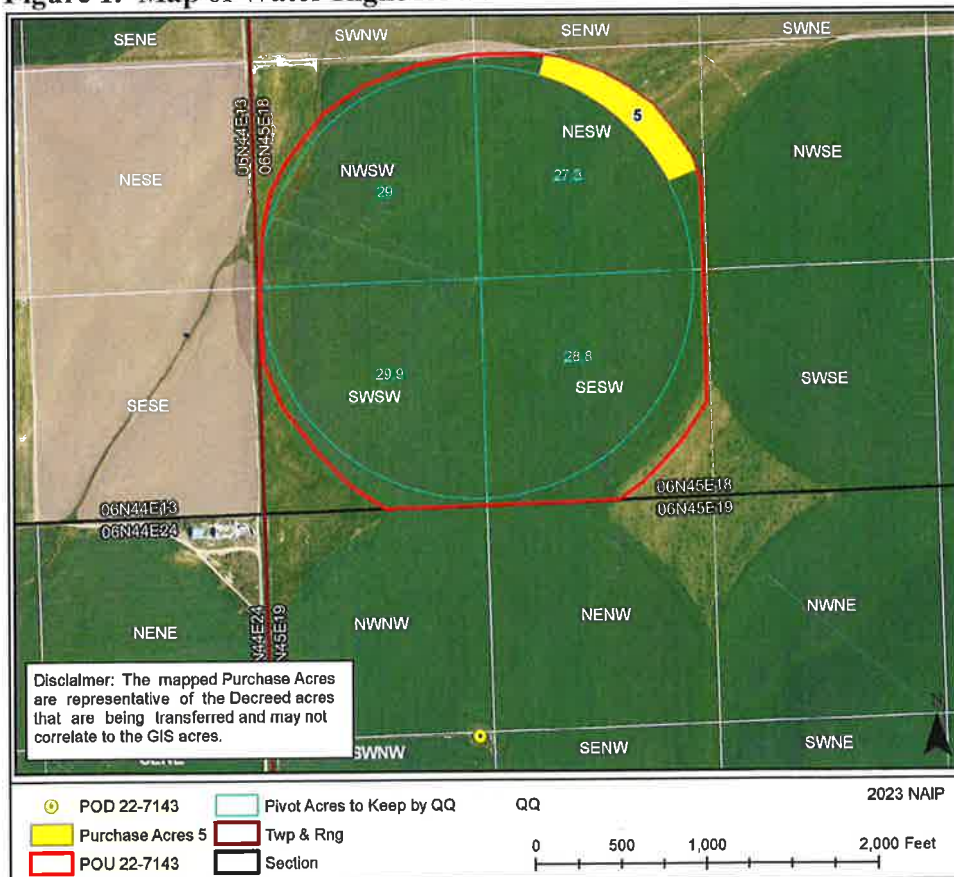
Signed by:

 W. Roger Warner, Managing Member
 Rocky Mountain Water Exchange, LLC

Figure 1. Map of Water Right for Purchase



July 1, 2025

To: Idaho Department of Water Resources

From: Thomas E. Hill and Lexie G. Hill

Subject: Applications for Water Right #22-7143

Thomas E. Hill and Lexie G. Hill ("Hills") are the owner of Water Right No. 22-7143. The Hills and Rocky Mountain Water Exchange, LLC ("RMWE") have entered into an agreement wherein RMWE is authorized to contract with third parties to sell the above-described water right(s), or portions thereof as shown on Exhibit I, and file transfer applications associated with said water right(s) through July 1, 2026.

The Hills hereby consent to any transfer or transfers filed by RMWE for the above-described water right(s), with the intent that this single consent may be submitted as proof of authorization for any transfer(s) of the above-described water right(s). This consent shall be valid and may be submitted for any transfer of the above-described water right(s) up until July 1, 2026.

The parties acknowledge and understand that for each transfer that is approved, the above-described water right(s) will be amended, with the understanding that title to the water right(s) can only be transferred upon execution and recording of a deed for the water right(s).

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

Signed by:



Date: 7/8/2025

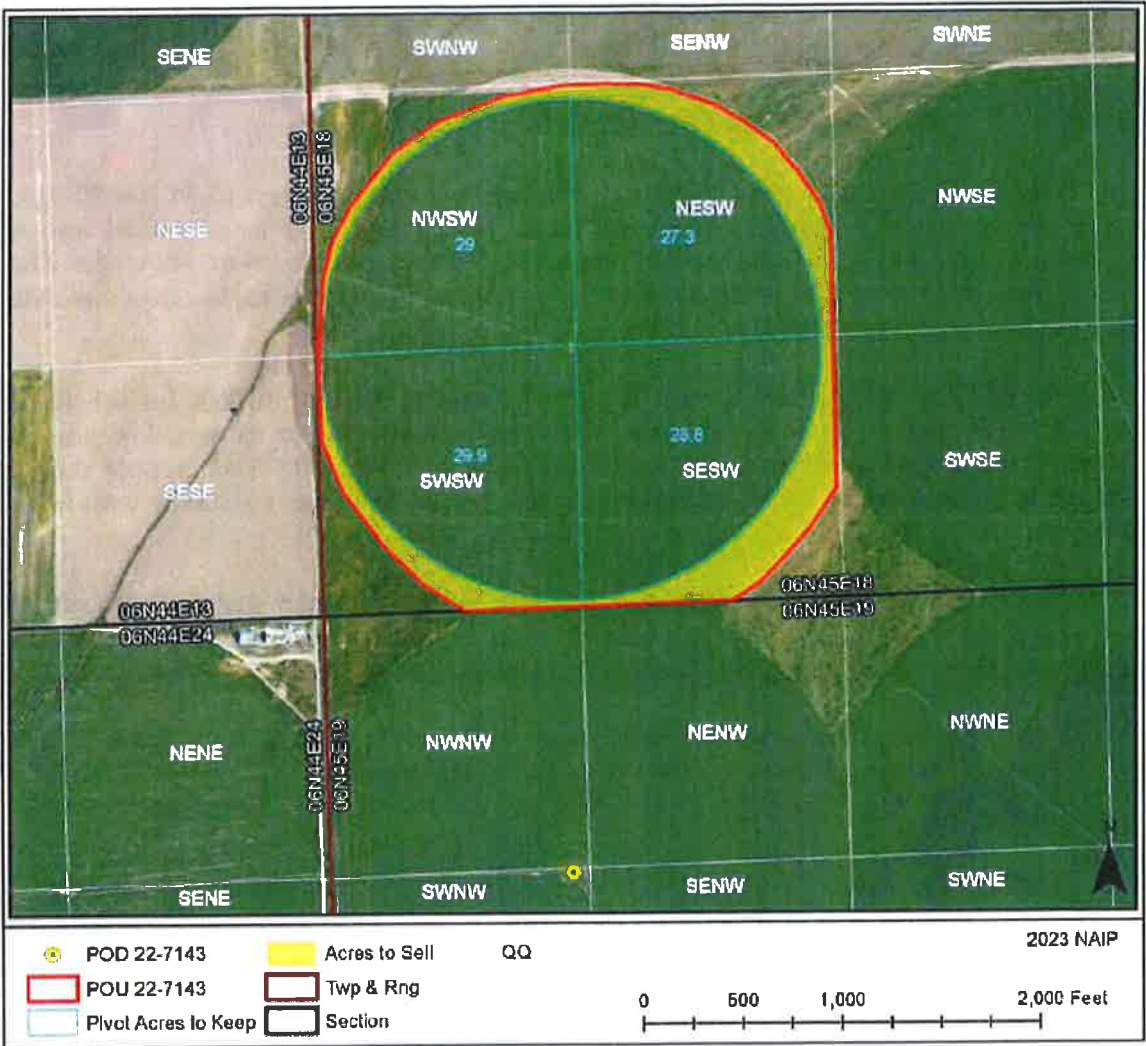
Printed Name: Thomas E. Hill



Date: 7/21/2025

Printed Name: Lexie G. Hill

Exhibit 1
Map of the 20-acre Portion of Water Right



Print

Water Right Report : 22-7143(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	HILL, LEXIE G	1540 S 6000 W	DRIGGS	ID	83422-4839
Current Owner	HILL, THOMAS E	1540 S 6000 W	DRIGGS	ID	83422-4839
Original Owner	LINDERMAN, SHAYNE T	1366 N 1350 W	NEWDALE	ID	83436
Previous Owner	CHALCO LLC	17122 E RIRIE HWY	RIRIE	ID	83443-5028
Previous Owner	LINDERMAN TETON FAMILY LTD PARTNERSHIP	PO BOX 1130	JACKSON	WY	83001-1130

Water Right Status

Priority Date : 6/30/1975
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	06N	45E	19	2	NE	SW	NW	TETON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	1.78 CFS	472.50 AFA
TOTAL			1.78 CFS	472.50 AFA

Places of Use

Printable View Print View

Place of Use Legal Description : IRRIGATION (TETON county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
06N	45E	18			NE	SW	34.7
06N	45E	18	3		NW	SW	30.6
06N	45E	18	4		SW	SW	32.5
06N	45E	18			SE	SW	37.2

Irrigation Totals

Total Acres Acre Limit
135.00

Conditions

Code Conditions

- 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.
- E52 The rights listed below are limited to a total combined diversion rate of 6.70 cfs. Combined Right Nos.: 22-7143, 22-7144, 22-7145, and 22-7146.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- F06 The following rights are diverted through point of diversion described above: 22-7143, 22-7144, 22-7145, and 22-7146.

Dates

Licensed Date :
Decreed Date : 10/28/2009
Permit Proof Due Date : 7/1/1985
Permit Proof Made Date : 6/26/1985
Permit Approved Date : 7/30/1975
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : TBD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

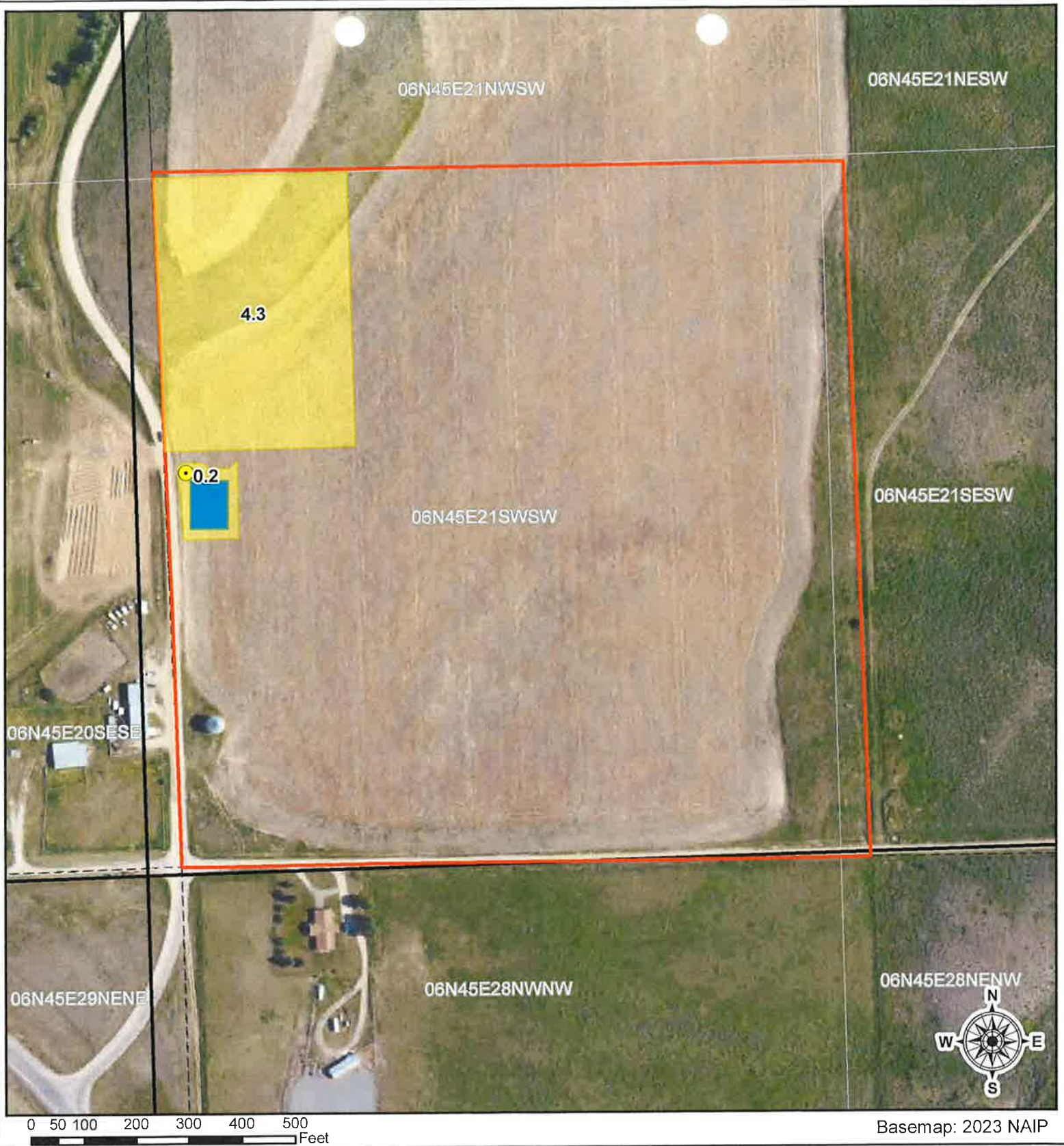
IDAHO DEPARTMENT OF WATER RESOURCES

6/26/2025



Attachment 2B. Existing Water Right Locations

POD 22-7143 Purchase Acres POU 22-7143 Remaining Pivot Twp & Rng Section QQ	Application for Transfer of 22-7143 Flag Ranch, LLC Tetonia, Idaho	Date: 11/6/2025 RMEA #: 25-0173 Drafted by: KM Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.
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Attachment 3C. Proposed Water Right Locations

- Proposed POD
- Proposed POU - Irrigation
- Proposed POU - Fire Pond
- Flag Ranch Boundary
- Teton Cnty PLSS Section
- Twp & Rng
- Section
- QQ

Application for Transfer of 22-7143
Flag Ranch, LLC
Tetonia, Idaho

Date: 12/5/2025

RMEA #: 25-0173

Drafted by: KM



Conversion of Nature of Use

Flag Ranch, LLC

Applicant proposes to transfer 5 ac of existing water right 22-7143 to the proposed place of use. A portion of the transferred water right will be used for fill and maintenance of a fire protection pond.

Place of Use

Review of the place of use boundary compared to aerial photography shows that the distribution of irrigated acres per quarter-quarter is not consistent with the IDWR Place of Use shapefile, nor is it consistent with the decreed acre distribution. Therefore, to ensure that any split of the water rights would not result in an enlargement of the water right, a review of the actual irrigation is required.

Figure 1 illustrates the current water right POU (red), obtained from the IDWR geospatial database. A second boundary (orange) is illustrated that represents field boundaries under active irrigation from the well. Measurement of active irrigation indicates that the full 135 acres authorized have been irrigated, even if the distribution of acres per Quarter-quarter described on the water right does not correlate to applied irrigation. Figure 1 uses a 2023 NAIP, showing the irrigation system (pivot) that has been used for at least the last five years.

End guns are proposed to be removed, leaving only the acres under the pivot iron that will be irrigated. Anything outside of the pivot will ultimately be retired. Acres per Quarter-quarter are described in Table 1, which compares decreed acres to actual irrigated acres and identifies the portions that are proposed to be retained or transferred. Portions available for transfer are based on the Decreed Water Right Acres – Acres Under Pivot (KEEP).

Table 1. Acres Per Quarter-Quarter Comparison

Decreed and GIS Quantities			Actual Irrigation Quantities		Transfer Quantities	
POU	QQ	Decreed WR Acres	Actual Irrigated Acres 2023	Acres under Pivot (KEEP)	WR Acres Outside of Pivot – Available for Transfer	Proposed Application - Transfer Quantities
Sec 18	NESW	34.7	33.3	27.3	7.4	5
	NWSW	30.6	34.3	29	1.6	0
	SWSW	32.5	35.2	29.9	2.6	0
	SESW	37.2	34.7	28.8	8.4	0
Total		135	137.5	115	20	5

Diversion Data

A single well, located south of the existing pivot, serves as the water right's POD. However, no historical diversion data is available for this well as there is no flow meter, nor is it within a water district that has recorded diversions annually. As this is an active farm that has irrigated the water right to the fullest, it can be assumed that diversions have been a minimum of the crop consumption, plus additional quantities for inefficiencies.

Proposed Fire Pond

The fire pond has dimensions of 70' wide x 90' long x 7.5' deep.

Surface area = 0.15 acres (rounded up)

Volume = 0.7 acre-feet.

It is proposed to provide enough water for an annual fill of the pond and mitigation for evaporative losses. The pond will require 0.2 afa to replace evaporative losses, based upon the precipitation deficit of Open Water-Shallow Systems (Figure 2) from the Tetonia Experiment Station from ET-IDWR 2021. An excerpt of the Pond Loss Calculation spreadsheet is included in Figure 3.

Total volume required for the pond is $0.7 \text{ af} + 0.2 \text{ af} = 0.9 \text{ af}$

Conversion of Nature of Use

Historically, water right 22-7143 has been used to irrigated alfalfa. The precipitation deficit for Alfalfa – Less Frequent Cutting from the Tetonia Experiment Station (NWS – USC00109065), gathered from ET-IDWR 2021, is 575 mm/year, or 1.89 af/year, for the growing season (Figure 4).

To provide the volume to fill and maintain the pond will require that 0.5 acre of irrigated alfalfa be converted to storage uses.

$$0.9 \text{ afa} / 1.89 \text{ afa/ac} = 0.5 \text{ acre}$$

Figure 1. 2023 Aerial with WR POU Boundary and Actual POU Boundary showing irrigated acres.

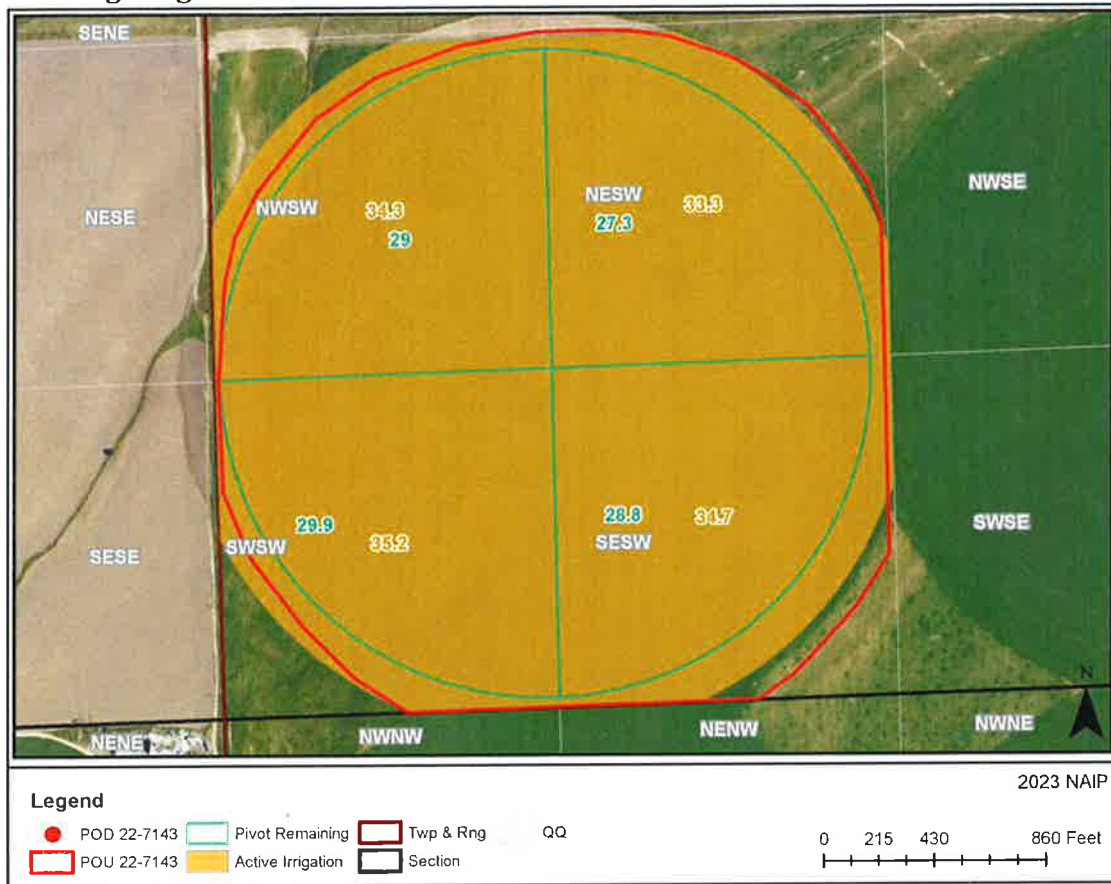


Figure 2. ET Values for Open Water – Shallow Systems at Tetonia Experiment Station (NWS – USC00109065).

Tetonia Exp. Stn. (NWS -- USC00109065)
Statistics based on thirty year normal spans 1994 to 2024 years

For a different land cover or crop click on the above link.
You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

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
Mean ^d	mm/day												Non Growing Season ^b
Monthly ^c	-1.73	-0.85	-0.05	0.76	1.40	2.59	3.55	2.85	1.84	0.49	-0.65	-1.48	267
													0
													267

Figure 3. Excerpt of the Pond Loss Calculation Spreadsheet

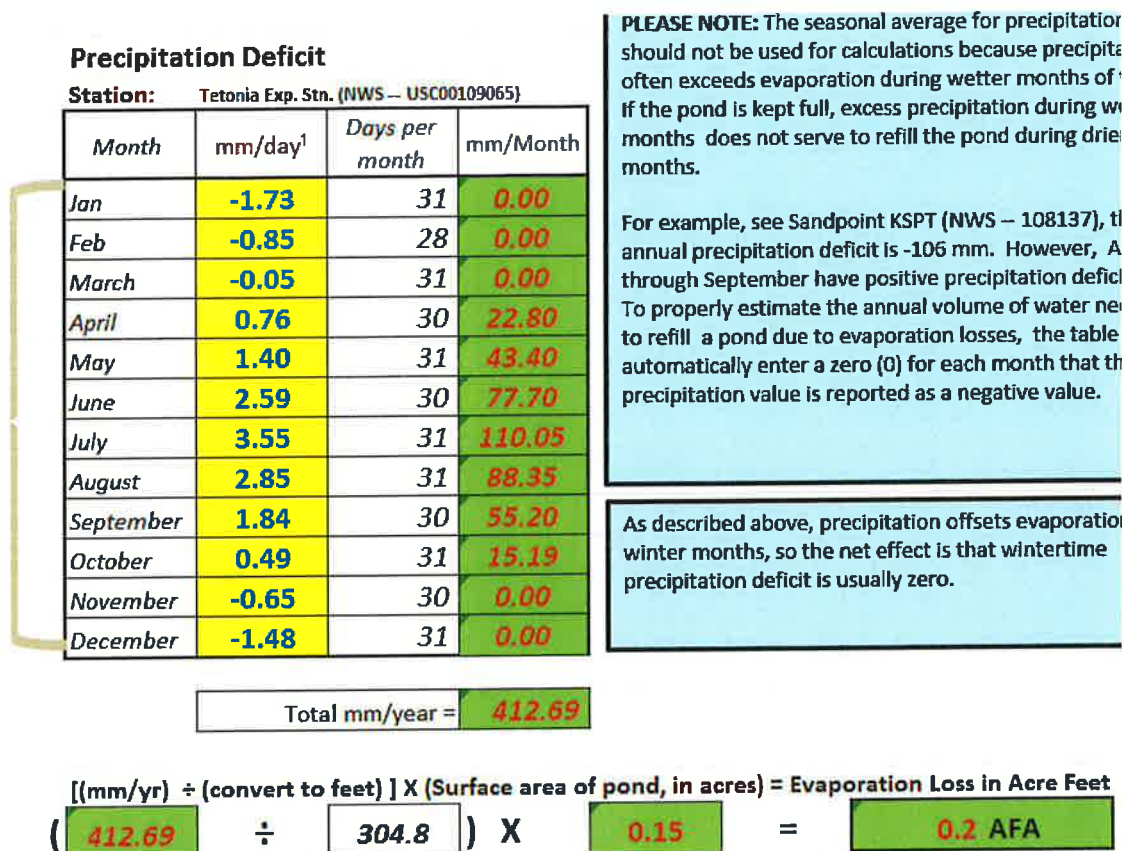
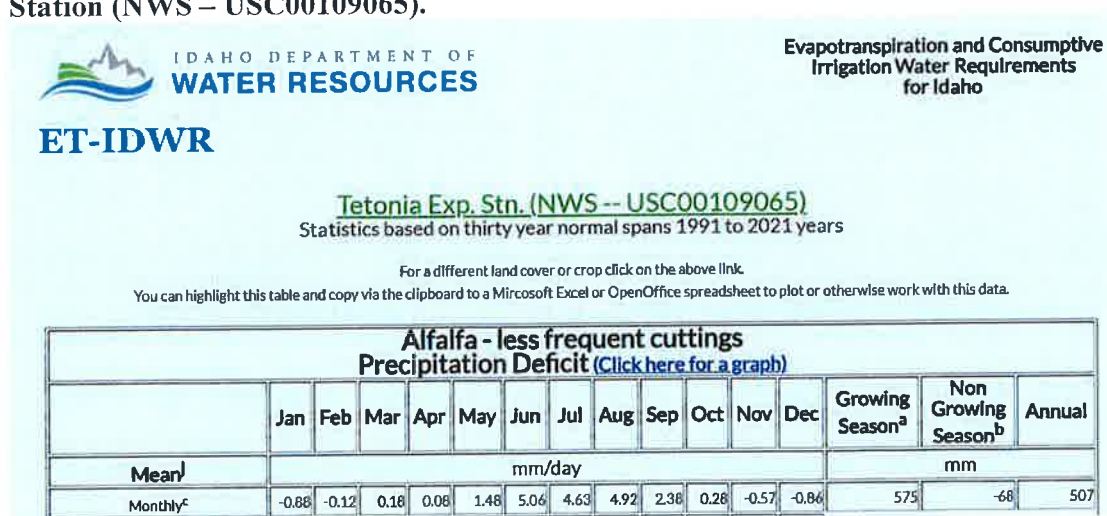


Figure 4. ET Values for Alfalfa – less frequent cuttings at Tetonia Experiment Station (NWS – USC00109065).





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 Mathew Weaver

December 31, 2025

FLAG RANCH LLC
1795 W BROADWAY ST PMB 29
IDAHO FALLS, ID 83402-3045

RE: Transfer No. 90223
Water Right No(s). 22-7143

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 1/7/2026 and 1/14/2026. 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:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 31, 2025 2:18 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Teton Valley News
Attachments: 90139, 90223, 90235 Teton Valley News.docx

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

RE: Transfer No. 90139, 90223, 90235

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 1/26/2026. 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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 90139

WEST RIDGE RANCH HOMEOWNERS ASSOCIATION, C/O JAMES HANSEDER, PO BOX 1252, PANGUITCH, UT 84759 has filed Application No. 90139 for changes to the following water rights within TETON County(s): Right No(s). 22-13631, 22-13771; 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: add point of diversion. Proposed points of diversion are in SWNW, and 2 wells (1 new) in Lot 4 (NWNW), Sec 4 T05N R44E for 0.46 cfs from Ground Water.

TRANSFER NO. 90223

FLAG RANCH LLC, 1795 W BROADWAY ST PMB 29, IDAHO FALLS, ID 83402-3045 has filed Application No. 90223 for changes to the following water rights within TETON County(s): Right No(s). 22-7143; 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, point of diversion, and place of use. Proposed nature of use is irrigation and diversion to storage from 4/15 to 10/31, and 0.9 af of fire protection storage from 1/1 to 12/31. Proposed point of diversion is in SWSW Sec 21 T06N R45E for 0.07 cfs from Ground Water. Proposed place of use is in SWSW Sec 21 T06N R45E.

TRANSFER NO. 90235

WHITNEY GARDINER and AMY GARDINER, 4305 GOODRICK LN, POST OFFICE 1514, WILSON, WY 83014 has filed Application No. 90235 for changes to the following water rights within TETON County(s): Right No(s). 22-7144; 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 point of diversion and place of use. Proposed point of diversion is in SESW Sec 34 T06N R44E for 0.22 cfs from Ground Water. Proposed place of use is in SWSW and SESW Sec 34 T06N R44E for 17 acres within an 80-acre permissible place of use.

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 1/26/2026. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 1/7/2026 and 1/14/2026