

AUG 04 2022

42-222 POD - 07/18

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources  
Eastern Region

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split  
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Grouse Creek Reserve LLC Phone 626-795-0713  
 2. **MAILING ADDRESS** 180 S Lake Ave Ste 405 City Pasadena  
 State CA Zip 91101-4711 Email dennis@foxdaleproperties.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.  
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.  
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.  
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 22-14437 and 22-14382

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.25 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, Water Rights, Water Right Transfers, Modeling Resources.

| New? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Source       | Local name or tag #   |
|------|-----|---|----|----|-----|-----|-----|--------|--------------|-----------------------|
| N    |     |   | SW | SE | 19  | 6N  | 46E | TETON  | GROUND WATER | Well #4 (Both rights) |
| N    | 4   |   | SW | SW | 19  | 6N  | 46E | TETON  | GROUND WATER | 22-14437 only         |
| N    | 4   |   | SW | SW | 19  | 6N  | 46E | TETON  | GROUND WATER | 22-14437 only         |

Previous listed rights are existing and are not proposed to change. POD below is to be added.

|   |  |  |    |    |    |    |     |       |              |                        |
|---|--|--|----|----|----|----|-----|-------|--------------|------------------------|
| Y |  |  | SW | SE | 19 | 6N | 46E | TETON | GROUND WATER | Well #5 (just drilled) |
|   |  |  |    |    |    |    |     |       |              |                        |
|   |  |  |    |    |    |    |     |       |              |                        |
|   |  |  |    |    |    |    |     |       |              |                        |
|   |  |  |    |    |    |    |     |       |              |                        |

## 6. 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:

Well #4 and Well #5 will be used alternately to divert water to existing mainline. There are sections of the mainline in which a measuring device can be installed. PCC can also be used.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



Signature of applicant or authorized agent

Dennis Gertmenian, Member

Print name and title if applicable

July 26, 2022

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

### FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$500.00 Date 8/4/22 Receipted by CTH Receipt # E048381

Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

7/26/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-14382

| <u>Owner Type</u> | <u>Name and Address</u>                                                                     |
|-------------------|---------------------------------------------------------------------------------------------|
| Current Owner     | GROUSE CREEK RESERVE LLC<br>180 S LAKE AVE STE 405<br>PASADENA, CA 91101-4711<br>6267950713 |
| Original Owner    | DRAKE BROTHERS<br>647 S 450 W<br>VICTOR, ID 83455<br>2083542585                             |

Priority Date: 08/30/1990

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/15        | 10/31     | 0.12 CFS              | 31.5 AFA      |
| FISH HABITAT          | 4 / 15      | 10/31     | 0.01 CFS              | 2 AFA         |
| Total Diversion       |             |           | 0.13 CFS              | 33.5 AFA      |

Location of Point(s) of Diversion:

GROUND WATER|SWSE|Sec. 19|Township 06N|Range 46E|TETON County

Licensed Diversion Capacity: 2.22

Place(s) of use:

Place of Use Legal Description: FISH HABITAT 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|

|     |     |    |  |      |  |      |  |  |  |  |  |  |  |  |  |
|-----|-----|----|--|------|--|------|--|--|--|--|--|--|--|--|--|
| 06N | 46E | 19 |  | SWSW |  | SESW |  |  |  |  |  |  |  |  |  |
|     |     |    |  | SWSE |  |      |  |  |  |  |  |  |  |  |  |

Place of Use Legal Description: IRRIGATION TETON County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 06N      | 46E   | 19      |     | SWSE  | 7     |     |       |       |     |       |       |     |       |       |
|          |       | 30      |     | NWNE  | 2     |     |       |       |     |       |       |     |       |       |

Total Acres: 9

Conditions of Approval:

1. 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 place of use.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Dates:

Licensed Date: 10/19/2000

Decreed Date:

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:

Owner Name Connector:

Water District Number: EXC

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

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

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

7/26/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-14437

| <u>Owner Type</u> | <u>Name and Address</u>                                                                     |
|-------------------|---------------------------------------------------------------------------------------------|
| Current Owner     | GROUSE CREEK RESERVE LLC<br>180 S LAKE AVE STE 405<br>PASADENA, CA 91101-4711<br>6267950713 |
| Original Owner    | GARY SUMMERS                                                                                |
| Original Owner    | SHANNON SUMMERS<br>1177 E 9TH N<br>REXBURG, ID 83440<br>2083510077                          |

Priority Date: 06/19/1961

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/15     | 0.12 CFS              | 30 AFA        |
| Total Diversion       |             |           | 0.12 CFS              | 30 AFA        |

Location of Point(s) of Diversion:

|              |           |         |              |           |              |
|--------------|-----------|---------|--------------|-----------|--------------|
| GROUND WATER | SWSW Lt 4 | Sec. 19 | Township 06N | Range 46E | TETON County |
| GROUND WATER | SWSW Lt 4 | Sec. 19 | Township 06N | Range 46E | TETON County |
| GROUND WATER | SWSE      | Sec. 19 | Township 06N | Range 46E | 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|



Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

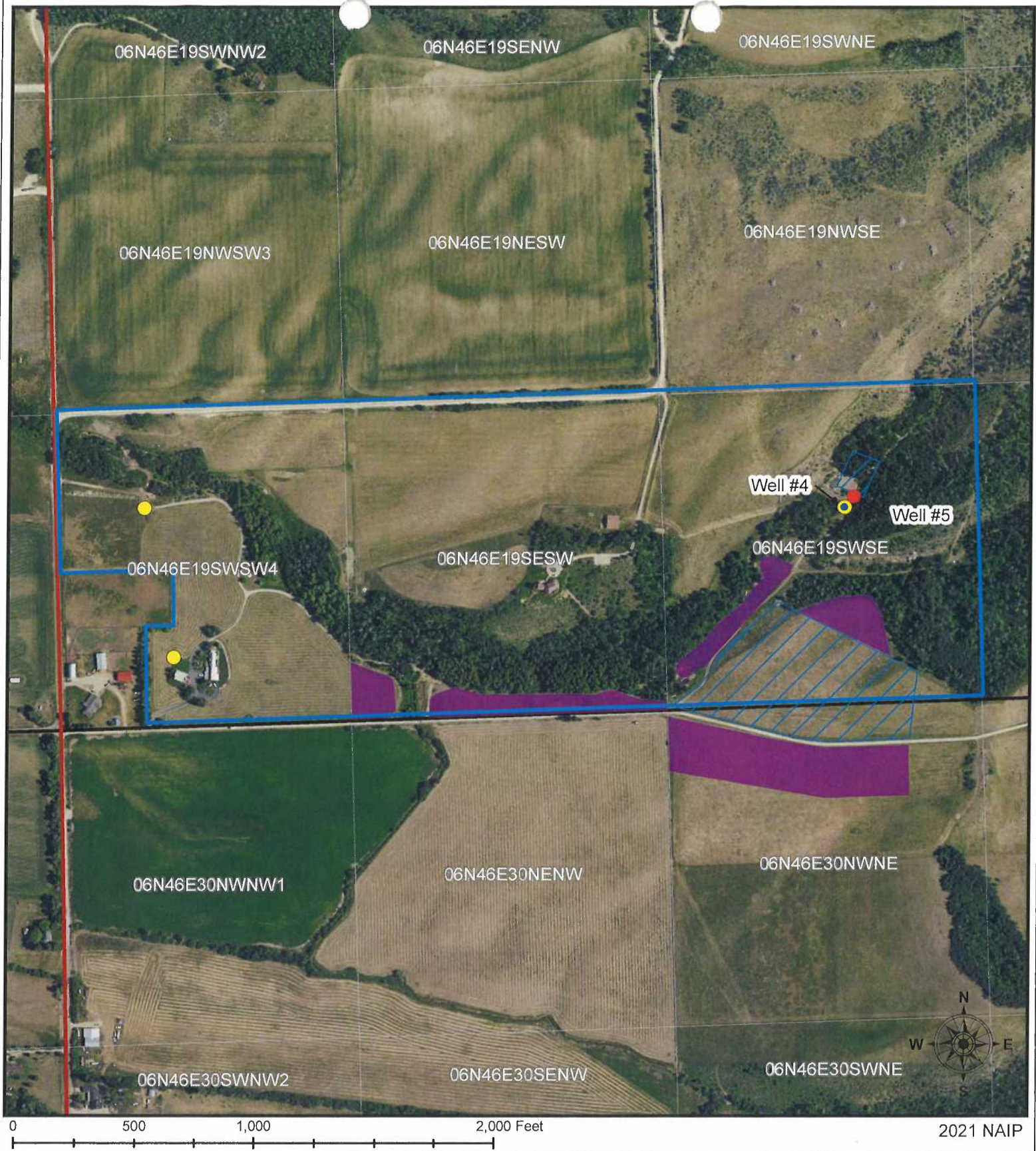
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



### Legend

- New POD - Well #5
- Existing POD 22-14382
- Existing POD 22-14437
- POU 22-14382 FISH HABITAT
- POU 22-14382 IRRIGATION
- POU 22-14437
- Township and Range
- Section
- QQ

## Attachment #7

### Application for Transfer - POD

*Grouse Creek Reserve LLC*

RMEA # 20-0055

by: KM

Date: 7/26/2022





RECEIVED

AUG 04 2022

Department of Water Resources  
Eastern Region

August 1, 2022

RMEA 20-0055

Idaho Department of Water Resources  
900 N Skyline Dr. Ste A  
Idaho Falls, ID 83404

Re: Application for Transfer – POD 22-14382 and 22-14437

Dear Agent,

Please find enclosed an Application for Transfer – POD to add a new well to existing ground water rights owned by Grouse Creek Reserve, LLC. Also enclosed is a check in the amount of \$500 for filing fees.

The applicant drilled a new well (Well #5) with the intention of abandoning Well #4, which is authorized under rights 22-14382 and 22-14437. However, after completing the drilling of the well, it was determined that it may be best to keep both wells. Well #4 is productive earlier in the season but eventually dries up as the water table drops later in the season. Well #5 is a deeper well and can provide water after Well #4 is no longer productive allowing diversion of these rights that have recently been transferred. Both wells are connected to the same power source and meter, but cannot function simultaneously due to power restrictions. This application proposes to add Well #5 as a point of diversion rather than replace Well #4, allowing the applicant to have the benefits of functioning with both wells. Diversion will not exceed the amount already authorized to be diverted at this location.

After closer inspection, it was determined that Well #4 is not correctly located on the GIS maps. This may affect the spatial representation of Well #5. Shapefiles can be submitted to the reviewing agent to show the correct locations of Well #4 and Well #5 upon request.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore  
Senior Water Rights Analyst

Enclosures:      Application for Transfer - POD  
                         Check # 21687



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

September 8, 2022

GROUSE CREEK RESERVE LLC  
180 S LAKE AVE STE 405  
PASADENA, CA 91101-4711

RE: Transfer No. 86709  
Water Right No(s). 22-14382, 22-14437

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 9/14/2022 and 9/21/2022. 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

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Thursday, September 8, 2022 10:44 AM  
**To:** legalnotices@postregister.com  
**Subject:** Legal Notice for Teton Valley News  
**Attachments:** 86709 Teton Valley News.docx

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

RE: Transfer No. 86709  
Water Right No(s). 22-14382, 22-14437

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 10/3/2022. 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. 86709**

GROUSE CREEK RESERVE LLC, 180 S LAKE AVE STE 405, PASADENA, CA 91101-4711 has filed Application No. 86709 for changes to the following water rights within TETON County(s): Right No(s). 22-14382, 22-14437; 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. The proposed points of diversion are 2 wells in SWSE (one is new) and 2 existing wells in Lot 4 (SWSW), Sec 19 T06N R46E, for 0.25 cfs from ground water.

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 10/3/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/14/2022 and 9/21/2022