



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 DUMPING IN IRRIGATION POND FOR REDIVERSION, METER AND LOCKING DEVICE

- b. Who owns the property at the point(s) of diversion? DRIGGS ACQUISITION LLC

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. The Map Tool, available at [maps.idwr.idaho.gov/TransferApplicationLayouts](http://maps.idwr.idaho.gov/TransferApplicationLayouts), provides a satisfactory template for creating the required map.

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.

KL - L. Kullman  
 Signature of applicant or authorized agent

KEVIN KULLMAN, DIRECTOR  
 DRIGGS MANAGEMENT, INC.,  
 MANAGER OF DRIGGS ACQUISITION  
 LLC  
 Print name and title if applicable

8/21/20  
 Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 11 pages of attachments.

Received by Ku

Date

9-14-2020

Fee paid \$ 820 Date 9-14-2020

Received by Ku

Receipt #

C109250

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)

## 8/14/2020

<b><u>Owner Type</u></b>	<b><u>Name and Address</u></b>
Current Owner	DRIGGS ACQUISITION LLC 97 N HWY 33 DRIGGS, ID 83422 (208) 354-9665

**Status:** Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	0.680 CFS	102.0 AF
	<u>Total Diversion</u>		0.680 CFS	102.0 AF

GROUND WATER	NENWSW	Sec. 24, Twp 05N, Rge 45E,	TETON County
GROUND WATER	SWSNW	Sec. 26, Twp 05N, Rge 45E,	TETON County

## IRRIGATION within TETON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					80.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

**POU Total Acres: 760.5**

1.	X27	This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3.	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.
4.	206	Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic

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- information system component of the water rights database maintained by the department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
  6. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 2, 2008.
  7. 065 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
  8. 105 If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
  9. Use of this right is combined with water from the Grand Teton Canal Co.
  10. 004 This right does not grant any right-of-way or easement across the land of another.
  11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
  12. 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.
  13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

## 8/14/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRIGGS ACQUISITION LLC 97 N HWY 33 DRIGGS, ID 83422 (208) 354-9665

**Source**  
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.400 CFS	78.0 AF
	<u>Total Diversion</u>		0.400 CFS	78.0 AF

GROUND WATER	NENWSW	Sec. 24, Twp 05N, Rge 45E,	TETON County
GROUND WATER	SWSNW	Sec. 26, Twp 05N, Rge 45E,	TETON County

### IRRIGATION within TETON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

Right Acre Limit: 20.0

POU Total Acres: 760.5

1.	X27	This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3.	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.
4.	206	Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the



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- department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
  6. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 2, 2008.
  7. 065 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
  8. 105 If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
  9. Use of this right is combined with water from the Grand Teton Canal Co.
  10. 004 This right does not grant any right-of-way or easement across the land of another.
  11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
  12. 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.
  13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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Proof Report**

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**Water Right 22-13664**

**Owner Type**      **Name and Address**  
Current Owner      DRIGGS ACQUISITION LLC  
97 N HWY 33  
DRIGGS, ID 83422  
(208) 354-9665

**Priority Date:** 3/3/1977  
**Basis:** Decreed  
**Status:** Active

**Source**      **Tributary**  
GROUND WATER

<b>Beneficial Use</b>	<b>From</b>	<b>To</b>	<b>Diversion Rate</b>	<b>Volume</b>
IRRIGATION	04/15	10/15	0.550 CFS	83.1 AF
	<b>Total Diversion</b>		0.550 CFS	83.1 AF

**Source and Point(s) of Diversion**  
GROUND WATER      NWSW      Sec. 24, Twp 05N, Rge 45E, TETON County

**Place Of Use**  
IRRIGATION within TETON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

Right Acre Limit: 27.7

POU Total Acres: 760.5

**Conditions of Approval:**

1. X27 This right is limited to the irrigation of 27.7 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3. 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.
4. 206 Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place

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- of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
6. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. 065 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. 105 If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. Use of this right is combined with water from the Grand Teton Canal Co.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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.
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



## 8/14/2020

<b><u>Owner Type</u></b>	<b><u>Name and Address</u></b>
Current Owner	DRIGGS ACQUISITION LLC 97 N HWY 33 DRIGGS, ID 83422 (208) 354-9665

**Status:** Active

Tributary

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
04/15	10/31	3.010 CFS	885.5 AF
<u>Total Diversion</u>		3.010 CFS	885.5 AF

GROUND WATER	SWSNW	Sec. 26, Twp 05N, Rge 45E, TETON County
GROUND WATER	NENWSW	Sec. 24, Twp 05N, Rge 45E, TETON County

## IRRIGATION within TETON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

POU Total Acres: 760.5

1.	X27	This right is limited to the irrigation of 253 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3.	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.
4.	206	Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the

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- department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
6. 065 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
7. 105 If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Use of this right is combined with water from the Grand Teton Canal Co.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

# Idaho Department of Water Resources

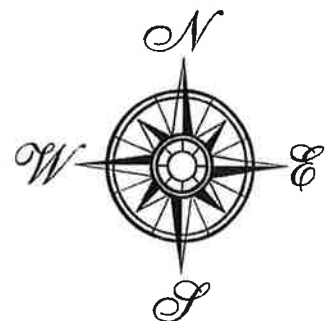


## Legend

- Proposed New POD
- ▲ Current POD 22-7215B, 22-7215C, 22-13811 (Remain the same) Also Add to 22-13664
- Current POD (To be Abandoned)
- Township/Range
- Sections
- QQ

Layout Created by:  
Jonie Barg  
Date:  
August 24, 2020

84119





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718  
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 7, 2020

DRIGGS ACQUISITION LLC  
97 N HWY 33  
DRIGGS, ID 83422

RE: Transfer No. 84419  
Water Right No(s). 22-13664, 22-13811, 22-7215B, 22-7215C

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 10/14/2020 and 10/21/2020. 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:** Wednesday, October 07, 2020 9:25 AM  
**To:** TETON VALLEY NEWS (legalnotices@postregister.com)  
**Subject:** Legal Notice for Teton Valley News  
**Attachments:** 84419 Teton Valley News.docx

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

RE: Transfer No. 84419  
Water Right No(s). 22-13664, 22-13811, 22-7215B, 22-7215C

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 11/2/2020. Your cooperation is appreciated.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 84419**

DRIGGS ACQUISITION LLC, 97 N HWY 33, DRIGGS, ID 83422 has filed Application No. 84419 for changes to the following water rights within TETON County(s): Right No(s). 22-13664, 22-13811, 22-7215B, 22-7215C; 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 add point of diversion. The proposed points of diversion are in SWSW Sec 23 and SWSW Sec 26, T05N R45E for 4.64 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 11/2/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/14/2020 and 10/21/2020