

NOV 27 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

79052

APPLICATION FOR TRANSFER OF WATER RIGHT – POINTS 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 an entire 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 or to report an ownership change for a portion 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 Point of Diversion ☒ Add diversion point(s) ☐ Ownership change1. **APPLICANT(S)** City of Driggs Phone (208) 354-23622. **MAILING ADDRESS** PO Box 48 City DriggsState Idaho Zip 83422 Email pzdriggs@ida.netc/o Rocky Mountain Environmental Associates, Inc. Email kmoore@rockymountainenvironmental.com482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax 208) 524-1795

- ☐ 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) required for water right ownership changes; see fee Schedule.
- ☐ 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 OF WATER RIGHT NUMBER(S)** 22-2132, 22-7529, 22-7698, 22-7790, 22-7814

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

4. **TOTAL AMOUNT OF WATER** transferred is 7.06 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local Name or tag #
5N	45E	23			NE	SW	TETON	GROUND WATER	VALLEY CENTER WELL
		25			SW	NW	TETON	GROUND WATER	HIGH SCHOOL WELL
		26		NE	NE	SE	TETON	GROUND WATER	DALLEY WELL
					NE	NW	TETON	GROUND WATER	HUNTSMAN WELL
		35			NW	NE	TETON	GROUND WATER	LIONS WELL
	46E	19			NW	SE	TETON	GROUND WATER	TANK WELL
		20			NE	SW	TETON	GROUND WATER	TETON CREEK WELL

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:

All wells are currently connected to the City water supply system and have existing measuring devices installed.

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 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: _____

7. **MAP** – ☒ Attach a map of the diversion, measurement, control, and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <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.



Signature of applicant or authorized agent

Daniel J Powers, Mayor

Print Name and Title if applicable

11-18-2013

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, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages of attachments.

Received by _____ Date _____

Fee Paid _____ Date 12/2/13

Received by SL

Receipt # E039335

Preliminary review completed by _____

Date _____

WATER RIGHT NO. 22-7698

Owner Type Name and Address

Current Owner CITY OF DRIGGS
PO BOX 48
DRIGGS, ID 83422
(208)354-2362

Priority Date: 03/14/1991

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

MUNICIPAL 01/01 12/31 1.34 CFS

Total Diversion 1.34 CFS

Location of Point(s) of Diversion:

GROUND WATER NESE Sec. 26 Township 05N Range 45E TETON County

GROUND WATER NWNE Sec. 35 Township 05N Range 45E TETON County

GROUND WATER NWSE Sec. 19 Township 05N Range 46E TETON County

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
2. 124 Place of use is within the service area of the City of Driggs municipal water supply system as provided for under Idaho Law.
The use of water under this right shall not give rise to any claim against the holder of a senior
3. 048 water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. F06 The following rights are diverted through point(s) of diversion described above: 22-2132, 22-7529, and 22-7698.

WATER RIGHT NO. 22-7790

Owner Type Name and Address

Current Owner CITY OF DRIGGS
PO BOX 48
DRIGGS, ID 83422
(208)354-2362

Priority Date: 04/03/1996

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

MUNICIPAL 01/01 12/31 1.84 CFS

Total Diversion 1.84 CFS

Location of Point(s) of Diversion:

GROUND WATER SWNW Sec. 25 Township 05N Range 45E TETON County

GROUND WATER NESE Sec. 26 Township 05N Range 45E TETON County

GROUND WATER NWNE Sec. 35 Township 05N Range 45E TETON County

GROUND WATER NWSE Sec. 19 Township 05N Range 46E TETON County

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
2. 124 Place of use is within the service area of the City of Driggs municipal water supply system as provided for under Idaho Law.
The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. 048
4. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
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 determine the amount of water diverted from power records and shall annually report the information to the department.
5. 01M
6. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
7. 022
8. F06 The following rights are diverted through point(s) of diversion described above: 22-2132, 22-7529, and 22-7698.

WATER RIGHT NO. 22-2132

Owner Type Name and Address

Current Owner CITY OF DRIGGS
PO BOX 48
DRIGGS, ID 83422
(208)354-2362

Priority Date: 04/13/1949

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	1.11 CFS	803.62 AFA
Total Diversion			1.11 CFS	

Location of Point(s) of Diversion:

GROUND WATER NENESE Sec. 26 Township 05N Range 45E TETON County

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or
1. C18 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.
 2. 124 Place of use is within the service area of the City of Driggs municipal water supply system as provided for under Idaho Law.

WATER RIGHT NO. 22-7529

Owner Type Name and Address

Current Owner CITY OF DRIGGS
PO BOX 48
DRIGGS, ID 83422
(208)354-2362

Priority Date: 07/30/1987

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

MUNICIPAL 1/01 12/31 0.77 CFS

Total Diversion 0.77 CFS

Location of Point(s) of Diversion:

GROUND WATER NWSE Sec. 19 Township 05N Range 46E TETON County

Licensed Diversion Capacity: 0.77

Place(s) of use: No POUs found for this right

Conditions of Approval:

1. Place of use is within the city limits of Driggs.

WATER RIGHT NO. 22-7814

Owner Type Name and Address

Current Owner CITY OF DRIGGS
PO BOX 48
DRIGGS, ID 83422
(208)354-2362

Priority Date: 01/29/2007

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

MUNICIPAL 01/01 12/31 2 CFS 199 AFA

Total Diversion 2 CFS

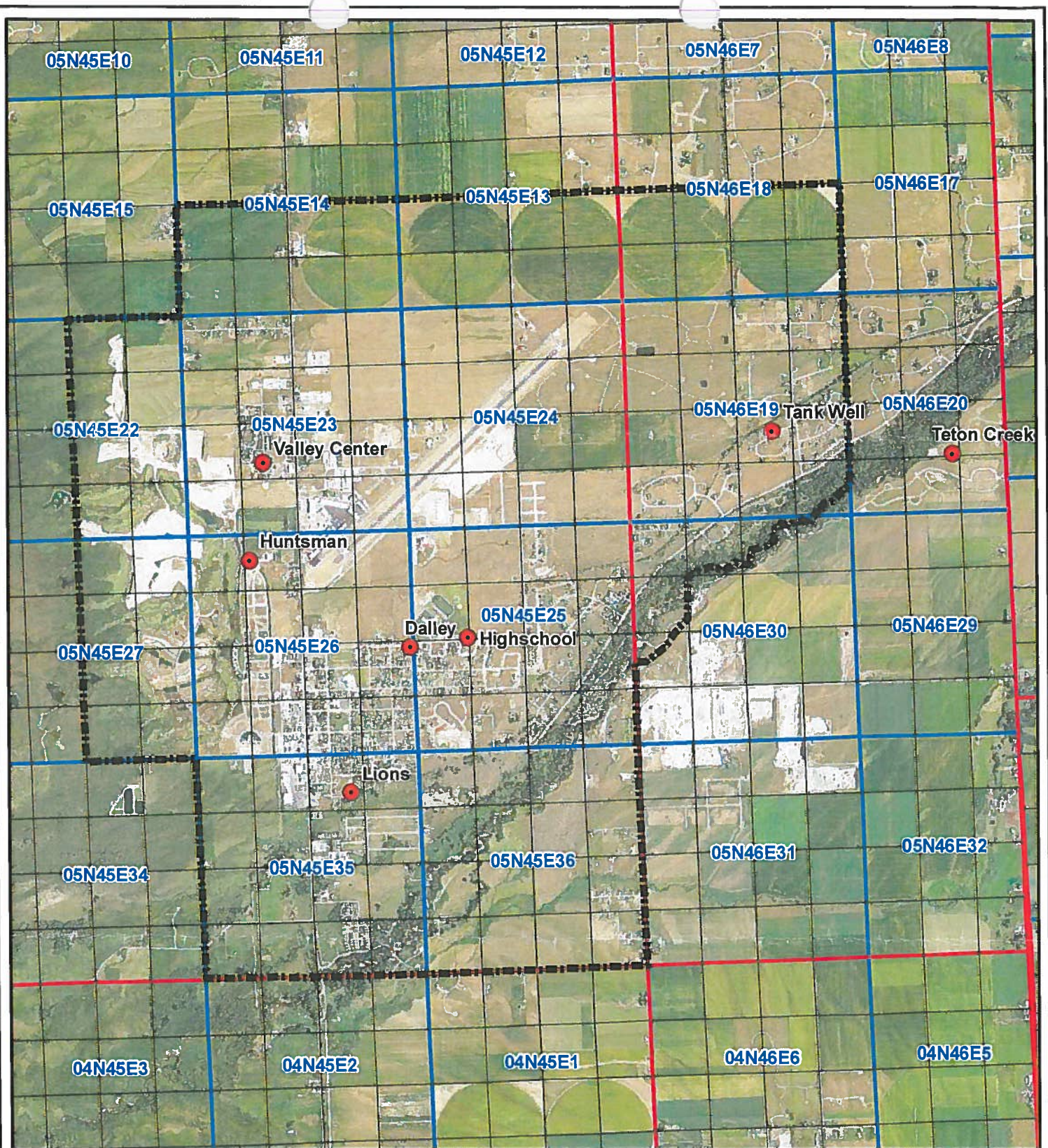
Location of Point(s) of Diversion:

GROUND WATER NESW Sec. 23 Township 05N Range 45E TETON County

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
2. 128 Place of use is within the area served by the public water supply system of Valley Centre Subdivision. The place of use is generally located within the SENW and the NESW, Section 23, T5N, R45E.
3. 022 The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
4. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use.
5. 102 This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
6. 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 determine the amount of water diverted from power records and shall annually report the information to the department.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.



● Points of Diversion

▬ Municipal Service Area

▬ Twp and Rng

▬ Sections

▬ QQ

Application for Transfer-POD Item #7 City of Driggs

0 0.25 0.5 1 Miles



2011 NAIP Photography

79052



201076 NOV 3 10:09 PM 3 132
QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that for good and valuable consideration, Douglas Investments, LLC, and Idaho Limited Liability Company, whose current address is 227 Sorensen Creek Rd., Victor, ID 83455 hereinafter called the "GRANTOR," hereby grants and conveys to The City of Driggs, whose current address is 60 South Main, Driggs, ID 83422 hereinafter called the "GRANTEE," two parcels of land located in the southeast quarter of the northeast quarter of the southwest quarter of Section 20, Township 5 North, Range 46 East of the Boise Meridian, Teton County Idaho and more particularly described as follows:

PARCEL 1:

Commencing at the southeast corner of said Section 20;

thence N00°18'32"W 1,323.80 feet to the southeast corner of Government Lot 3 of said Section 20;

thence S89°59'16"W 30.20 feet along the south line of said Government Lot 3 to the southeast corner of Teton Creek Resort Subdivision, instrument # 122038 on file in the Teton County Clerk's Office, Teton County, Idaho;

thence N89°55'02"W 1,376.03 feet along the south line of said Teton Creek Resort Subdivision;

thence N00°24'38"E 84.32 feet to the southerly right-of-way of Creek View Drive located in said Teton Creek Resort Subdivision and the POINT OF BEGINNING for this description;

thence S75°00'00"E 200.00 feet;

thence N15°00'00"E 101.51 feet;

thence N75°03'26"W 168.63 feet to the easterly right-of-way of said Creek View Drive and the beginning of a non-tangent curve concave to the northwest having a radius of 60.00 feet, a chord bearing of S32°11'57"W, and a chord length of 106.08 feet;

thence southeast south and southwesterly 130.13 feet along said curve and said Creek View Drive right-of-way through a central angle of 124°15'54" to the POINT OF BEGINNING.

This description contains 0.37 acres more or less.

Instrument # 201076

TETON COUNTY, IDAHO

11-3-2008 03:32:00 No. of Pages: 3

Recorded for: NELSON ENGINEERING ACCOUNT

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to DEED QUIT CLAIM

PARCEL 2:

Commencing at the southeast corner of said Section 20;

thence N00°18'32"W 1,323.80 feet to the southeast corner of Government Lot 3 of said Section 20;

thence S89°59'16"W 30.20 feet along the south line of said Government Lot 3 to the southeast corner of Teton Creek Resort Subdivision, instrument # 122038, Teton County Clerk's Office, Teton County, Idaho;

thence N89°55'02"W 1,376.03 feet along the south line of said Teton Creek Resort Subdivision;

thence N00°24'38"E 84.32 feet to the southerly right-of-way of Creek View Drive located in said Teton Creek Resort Subdivision and the beginning of a non-tangent curve concave to the northeast having a radius of 60.00 feet, a chord bearing of N57°21'34"W and a chord length of 56.91 feet;

thence northwesterly 59.29 feet along said curve and Creek View Drive right-of-way through a central angle of 56°37'04" and the POINT OF BEGINNING for this description;

thence N90°00'00"W 50.00 feet;

thence N00°00'00"E 50.00 feet;

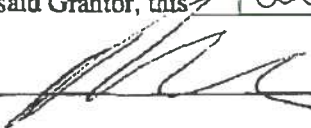
thence N90°00'00"E 46.20 feet to the westerly right-of-way of said Creek View Drive and the beginning of a non-tangent curve concave to the east having a radius of 60.00 feet, a chord bearing of S04°21'02"E and a chord length of 50.14 feet;

thence southerly 51.73 feet along said curve and Creek View Drive right-of-way through a central angle of 49°24'02" to the POINT OF BEGINNING.

This description contains 0.05 acres more or less.

The basis of bearing for these descriptions is N00°18'32"W for the east line of Government Lot 4 of said Section 20.

WITNESS the hand of said Grantor, this 4th day of November, 2008.



David Douglas

STATE OF
IDSS
COUNTY OF)

On this 3rd day of November, in the year of 2008, before me a Notary Public, personally appeared David Douglas, known or identified to me (or proved to me on the oath of), to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Notary Public of
Residing at:
Commission Expires:

4/2/2014

JENNIFER LYN MARCHIORI
NOTARY PUBLIC
STATE OF IDAHO