

Fee 150.00
 Receipt 2036114
 Received by Blair
 Date 9/10/2010

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR AMENDMENT OF A PERMIT

Name of Applicant City of Driggs Phone (208) 354-2362
 Mailing address PO Box 48, Driggs, ID 83422 Email pzdriggs@pdt.net
 Representative: Rocky Mountain Environmental Associates, Inc Phone: (208) 524-2353 Fax: (208) 524-1795
482 Constitution, Ste 303, Idaho Falls, ID 83402 Email: kmoore@rockymountainenvironmental.com

I am the owner and the holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-13589,

and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment:

Change Point of Diversion ☒ Add diversion point(s) ☒ Change Place of use
☒ Change Nature of Use Change Period of Use Other

1. Location of point of diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local Name for Diversion
		NE	SW	23	5N	45E	TETON	VALLEY CENTER WELL
		SW	NW	25	5N	45E	TETON	HIGHSCHOOL WELL
	NE	NE	SE	26	5N	45E	TETON	DALLEY WELL
		NE	NW	26	5N	45E	TETON	HUNTSMAN WELL
		NW	NE	35	5N	45E	TETON	LIONS WELL
		NW	SE	19	5N	46E	TETON	TANK WELL
		NE	SW	20	5N	46E	TETON	TETON CREEK WELL

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 1.1 for MUNICIPAL purposes from 1/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

3. Place of use or land to be irrigated:

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Service Area of the City of Driggs

Total number of acres to be irrigated: _____

4. a. Who owns the property at the point of diversion? Applicant
 b. Who owns the land to be irrigated or place of use? Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____



Legend

- POD
- POU
- Twp and Rng
- Sections
- QQ

0 0.25 0.5 1 Miles

2006 NAIP Photography



I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 2nd day of September, 2010. D. O. Parn Mayor

Permit Holder Signature (and title, if for a company or organization)

ACTION OF THE DEPARTMENT OF WATER RESOURCE

Preliminary check by Hae Publication prepared by _____ Date _____ Published in _____ Publication dates _____

Witness my hand this _____ day of _____, 20____

Signature

W. Roger Warner
ROCKY MOUNTAIN ENVIRONMENTAL ASSOCIATES, INC.
482 Constitution Way, Suite 303
Idaho Falls, Idaho 83402
Telephone: (208) 524-2353
Facsimile: (208) 524-1795

212469 AUG 5 '10 PM 2:44

Instrument # 212469
TETON COUNTY, IDAHO
8-5-2010 02:44:00 No. of Pages: 5
Recorded for : CITY OF DRIGGS
MARY LOU HANSEN Fee: 0.00
Ex-Officio Recorder Deputy 
Index to: STIPULATION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 22-13589 IN THE NAME
OF CITY OF DRIGGS.

**STIPULATION FOR
HUNTSMAN SPRINGS WELL**

THIS STIPULATION FOR HUNTSMAN SPRINGS WELL (the "Stipulation") is made and entered into as of the 5th day of May, 2010, by and between Huntsman Springs (hereinafter, "Huntsman"), and the City of Driggs (hereinafter, "Driggs").

RECITALS:

- A. Huntsman originally filed for the Application for Permit 22-13589 on September 19, 2006 for 1.1 cfs to be used for Domestic purposes year round in 694 homes, not including lawn, garden, landscape, or other types of irrigation.
- B. Idaho Department of Water Resources (hereinafter, "IDWR") approved the Permit 22-13589 on February 13, 2007.
- C. Driggs submitted an Assignment of Permit 22-13589 to IDWR on July 16, 2007.
- D. In an attempt to add all wells to all water rights belonging to Driggs, an Application for Amendment of a Permit was filed on October 1, 2008 that included the following wells as points of diversion: Valley Center, High School, Dalley, Huntsman, Lions Park, Tank, and Teton Creek.
- E. Senior Water Resource Agent Nate Arave returned the application and recommended

22 - 13589

changing the nature of use to Municipal. By changing the nature of use from Domestic to Municipal, the requirement to identify each home would no longer apply.

- F. In accordance with Mr. Arave's recommendation, an amended Application for Amendment of a Permit was submitted January 28, 2009 to change the nature of use to Municipal and add the wells described under Item D as points of diversion. The place of use included the City Limits of Driggs.
- G. Huntsman expressed concern to Driggs about being annexed into the city limits in order to receive water from the city water supply. The water right was originally appropriated for the use in Huntsman Springs for a total of 694 homes, in-house use only. Huntsman feared that being annexed into the city and being linked to the city water supply would limit their potential development of the full 694 homes. From this conversation, it was decided that it was best to keep water right 22-13589 as a domestic water right appurtenant to Huntsman Springs, but that the well may be connected to the city's water supply system to use additional rate obtainable from the well above the uses of Huntsman Springs.
- H. A Withdrawal of Application for Amendment of Permit was submitted December 10, 2009 to withdraw the amendment to change the nature of use to Municipal and add the additional city wells to the water right.
- I. IDWR recognized the withdrawal through a letter on December 11, 2009. The Permit returned to its original elements of Domestic use from the Huntsman Well for in-house use within the subdivision.
- J. IDWR requires that at the time of the licensing field exam to determine the development and beneficial use of a domestic water right, all infrastructure and stub-outs must be established for the homes requested. The field examiner will only recommend for licensing the number of homes already stubbed-out. If all homes are not stubbed-out by the date of the field exam, then the water right will be decreased to recognize only that portion that has been developed.
- K. Different rules apply to a municipal water right. At the time of the licensing field exam, the examiner determines the quantity of water from the well that has been developed. If it has been fully developed, then the water right is licensed for the permitted quantity. If it has not been developed fully, then the water right is reduced to that portion developed. Most important, it is not requisite that a certain number of homes be established and infrastructure in place. The place of use is designated as a service area boundary that is flexible to the

needs of the municipal system.

- L. For a subdivision, it is required by Idaho Department of Environmental Quality that there is redundancy in the water supply. The Huntsman development, if standing alone, would be required to have an additional source besides the Huntsman Springs well. Being connected to a municipal water supply system would satisfy the redundancy.
- M. After discussions between the parties to resolve the protest, Huntsman and Driggs agree as set forth below.

AGREEMENTS:

THE PARTIES HEREBY AGREE AS FOLLOWS:

1. **HUNTSMAN:** Huntsman agrees to allow Driggs to submit an Application for Amendment of a Permit to change the water right 22-13589 from a Domestic use right to a Municipal water right for use within the city's water supply system.
2. Huntsman agrees to allow Driggs to use the additional capacity in the Huntsman well for the use of the city.
3. Huntsman agrees to tie into the city's water supply system, with no exclusive system for Huntsman.
4. **DRIGGS:** Driggs agrees to submit an Application for Amendment of a Permit to change the water right 22-13589 from a Domestic use right to a Municipal water right for use within the city's water supply system.
5. Driggs agrees to provide in-house use only for homes within Huntsman Springs not to exceed 694 homes. This agreement *does not* include lawn, garden, landscape, or other types of irrigation.
6. **RECORDING.** Driggs will record this fully executed Agreement in the office of the Teton County Clerk, Auditor and Recorder and send a copy with the recording information endorsed thereon to RMEA and Huntsman.
7. **BINDING EFFECT.** This Agreement shall be binding on the parties and their respective heirs, legal representatives, agents, successors in interest and assigns and shall inure to the benefit of such persons.
8. **COOPERATION.** Each party agrees to cooperate with the other in preparing and filing the

necessary documents, or taking other actions, to properly achieve the purposes of this Agreement.

CITY OF DRIGGS

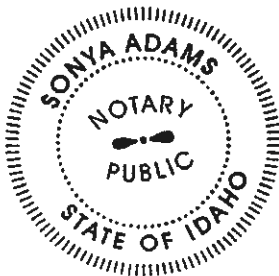
By: [Signature]
Mayor Dan Powers

STATE OF IDAHO)
)ss.
County of Idaho)

On this 5 day of June, 2010, before me a notary public in and for said State, personally appeared Dan Powers, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)



Sonya Adams
Notary Public for Idaho
Residing at: Driggs Idaho
My commission expires: 11.7.2014

HUNTSMAN SPRINGS

By: [Signature] P.O.A

Its: _____

Attest: Sonya Adams

STATE OF IDAHO)

)ss.

County of Leton

On this 4 day of August, 2010, before me a notary public in and for said State, personally

appeared Harley H. Waller known or identified to me ~~(or proved to me on the oath of~~ my

_____ to be the _____ of the my

~~irrigation district that executed the instrument or the person who executed the instrument on behalf~~

of ~~said irrigation district~~ and acknowledged to me that ~~such irrigation district~~ executed the same.

HUNTSMAN SPRINGS

he

my

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)

Sonya Adams
Notary Public for Idaho

Residing at: Idaho

My commission expires: 11-7-2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

October 13, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CITY OF DRIGGS
PO BOX 48
DRIGGS, ID 83422

Application to Amend Permit No. 22-13589

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the TETON VALLEY NEWS on October 21 and 28, 2010. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 13, 2010

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE
IDAHO FALLS ID 83402

RE: Application for Permit of 22-13589

STATE OF IDAHO:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

October 13, 2010

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

RE: Application to Amend Permit No.: 22-13589

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 11/8/2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to amend Permit to Appropriate Water:

22-13589

CITY OF DRIGGS
PO BOX 48
DRIGGS, ID 83422

Point of Diversion NESW S23 T05N R45E, SWNW S25 T05N R45E, NENESE S26 T05N R45E, NWNE S35 T05N R45E, NWSE S19 T05N R46E, NESW S20 T05N R46E and NENW S26 T05N R45E TETON County Source GROUND WATER Tributary

Use: MUNICIPAL 01/01 to 12/31 1.1 CFS

Total Diversion: 1.1 CFS

Date Filed: 10/1/2010

Place Of Use: MUNICIPAL – within the service area of City of Driggs

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before November 8, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on October 21 and 28, 2010