

Keen, Shelley

From: Kristin Moore [kmoore@rockymountainenvironmental.com]
Sent: Monday, July 13, 2009 12:07 PM
To: Keen, Shelley
Subject: city of driggs

Shelley,

As you know, we have been working on water right issues for the City of Driggs in Teton Valley. The City's ultimate goal is to have all the wells added to all the water rights to allow them greater flexibility. Currently, we are waiting on several rights to be licensed. We have recently become aware of another well and water right that has some issues and we need to discuss this with you. Here is a brief summary that you can review prior to discussion.

I talked to Dennis Dunn on 7/8/09 about the Teton Creek Well and neither of us could find a water right associated with the well, which is currently tied to the system and in use. The drilling permit was granted under permit no. 22-7786 (owned by Teton Creek Resort), but the permit does not include this well as a point of diversion. Two other wells are listed as PODs, though. The intention may have originally been to add the well to the permit, but no paperwork was filed to accomplish this change. According to Dennis, this well is invalid because there is no associated water right.

In Feb 2007, the developers made an agreement with the City of Driggs to convey the wells and water rights to the City provided the City will provide access to the water system and water lines for Teton Creek Resort. The agreement references two wells: the well associated with the water right 22-7786 and the Teton Creek Well. Both wells were handed over to the City in this agreement.

In the Proof of Beneficial Use that was submitted to IDWR on Oct 2008, the cover letter requests "the reinstatement of the water rights for the northern two wells [included on permit] and the instatement of water rights of the well on the south end of the property [Teton Creek well]." Attachments with the Proof show that the well was drilled and appears to be in current use to supply water to Teton Creek Resort.

No field exam has been done for permit no. 22-7786.

We realize that there are some issues here. Dennis Dunn recommended that we talk with you to determine the best course of action to meet the City's goals. When would be a convenient time for us to call you?

Kristin Moore

Water Rights Analyst

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7/15/2009