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DEPARTMENT OF
WATER RESOURCES

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April 1, 2026

Brian Ragan
Water Administration Bureau
Idaho Department of Water Resources
322 E Front Street, Suite 648
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Request for Confirmation of Exemption from Measuring Device Requirement — Water Right No. 22-14639 / Water District 122 Preliminary Order (March 19, 2026)

Dear Mr. Ragan:

We are writing in response to the Preliminary Order Requiring the Installation of Measuring Devices for Ground Water Diversions in Water District 122, Teton River Basin Area, dated March 19, 2026 (the “Order”), issued by the Idaho Department of Water Resources (“Department”). We are the holders of Water Right No. 22-14639 and write to respectfully request confirmation that this water right is exempt from the measuring device installation requirement set forth in the Order.

Description of Water Right No. 22-14639

Water Right No. 22-14639 is described as follows:

Priority Date:	August 30, 1990
Source:	Ground Water
Beneficial Use:	Municipal (January 1 – December 31)
Total Authorized Diversion Rate:	0.210 cubic feet per second (CFS)
Total Authorized Volume:	43.4 acre-feet
Points of Diversion:	7 ground water well locations, Teton County
Place of Use:	Municipal within Teton County (City of Driggs service area)

Basis for Exemption

Order Item 2 provides that the measuring device installation requirement does not apply to certain ground water uses and diversions. Specifically, Order Item 2(c) exempts diversions where:

“The sum of the authorized diversion rates under the water rights sharing the same point of diversion for any purpose other than irrigation is less than or equal to 0.24 cubic feet per second (approximately 108 gallons per minute).”

Water Right No. 22-14639 is a non-irrigation (municipal) use. The total authorized diversion rate for this right is 0.210 CFS, which is spread across seven (7) separate points of diversion. No other water rights share these points of diversion. Accordingly, the authorized diversion rate at each individual point of diversion is a fraction of the total 0.210 CFS — well below the 0.24 CFS threshold specified in Order Item 2(c). Even taken in the aggregate, the total authorized diversion rate of 0.210 CFS for this right does not exceed 0.24 CFS.

We therefore respectfully submit that Water Right No. 22-14639 qualifies for the exemption set forth in Order Item 2(c) of the Order and that no measuring device installation is required at this time.

Additional Note: Current Non-Use of Diversions

We note further that Water Right No. 22-14639 was recently acquired in connection with a planned future residential development within the City of Driggs municipal service area. The wells and associated diversion infrastructure are not currently in active use. To the extent the Department determines that the exemption under Order Item 2(c) does not apply, we respectfully request in the alternative that the Department consider this right as an “unused diversion” for purposes of Order Item 9, which provides that the Department may grant an extension of time for diversions that are unused.

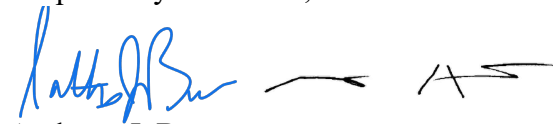
Request

We respectfully request that the Department review the above and provide written confirmation that Water Right No. 22-14639 is exempt from the measuring device installation requirement under Order Item 2(c) of the March 19, 2026 Preliminary Order. If the Department requires any additional information or documentation to make this determination, please do not hesitate to contact us at the address above.

We also note that this Preliminary Order will become a final order without further action by the Department unless a party petitions for reconsideration or requests a hearing within the applicable deadlines. We are not petitioning for reconsideration of the Order itself; **we are requesting a written determination from your office that our specific water right falls within the stated exemption.**

Thank you for your time and attention to this matter. We look forward to your response.

Respectfully submitted,

The block contains two handwritten signatures in blue ink. The first signature is for Anthony J. Burns and the second is for George L. Helmstetter. They are positioned to the left of their printed names.

Anthony J. Burns

George L. Helmstetter

cc: James Cefalo, IDWR Eastern Regional Manager