

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90369**

This is to certify that: 5TH STREET HOUSING LLC
3300 EAST SKI HILL ROAD
ALTA, WY 83414

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-7143	WR/DECREED	6/30/1975	1.57 cfs	420.0 af	N/A	120.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-7144	WR/DECREED	6/30/1975	1.520 cfs	402.5 af		115.0	GROUND WATER
22-7145	WR/DECREED	6/30/1975	3.180 cfs	477.0 af	159.0	304.0	GROUND WATER
22-7146	WR/DECREED	6/30/1975	2.980 cfs	447.0 af	149.0	304.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-7143	YES	YES	YES	YES	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-7143	22-14768	0.040 cfs	4.2 af	N/A	N/A	22-7143	1.530 cfs	410.5 af	N/A	117.3
COMBINED TOTALS		0.040 cfs	4.2 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 23rd day of July, 2026.


Water Resources Program Manager

Transfer No. 90369

**Support Data
In File # 22-7143**

WATER RIGHT NO. 22-7143**As Modified by Transfer No. 90369**

In accordance with the approval of Transfer No. 90369, Water Right No. 22-7143 is now described as follows:

Right Holder: THOMAS E HILL AND
LEXIE G HILL
1540 S 6000 W
DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	1.530 cfs	410.5 af
			1.530 cfs	410.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	18									28.9	29.0	29.9	29.5					117.3
											L 3	L 4							

POU Total Acres: 117.3

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 6.19 cfs. Combined Right Nos.: 22-7143, 22-7144, 22-7145, and 22-7146.
2. 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.
3. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 90369

WATER RIGHT NO. 22-14768
As Modified by Transfer No. 90369

In accordance with the approval of Transfer No. 90369, Water Right No. 22-14768 is now described as follows:

Right Holder: THOMAS E HILL AND
LEXIE G HILL
1540 S 6000 W
DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	0.040 cfs	4.2 af
			0.040 cfs	4.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 25 Twp 05N Rge 45E	TETON County
GROUND WATER	NENW	Sec 26 Twp 05N Rge 45E	TETON County
GROUND WATER	NESE	Sec 26 Twp 05N Rge 45E	TETON County
GROUND WATER	NWNE	Sec 35 Twp 05N Rge 45E	TETON County
GROUND WATER	NWSE	Sec 19 Twp 05N Rge 46E	TETON County
GROUND WATER	NESW	Sec 20 Twp 05N Rge 46E	TETON County
GROUND WATER	NESW	Sec 23 Twp 05N Rge 45E	TETON County

CONDITIONS OF APPROVAL

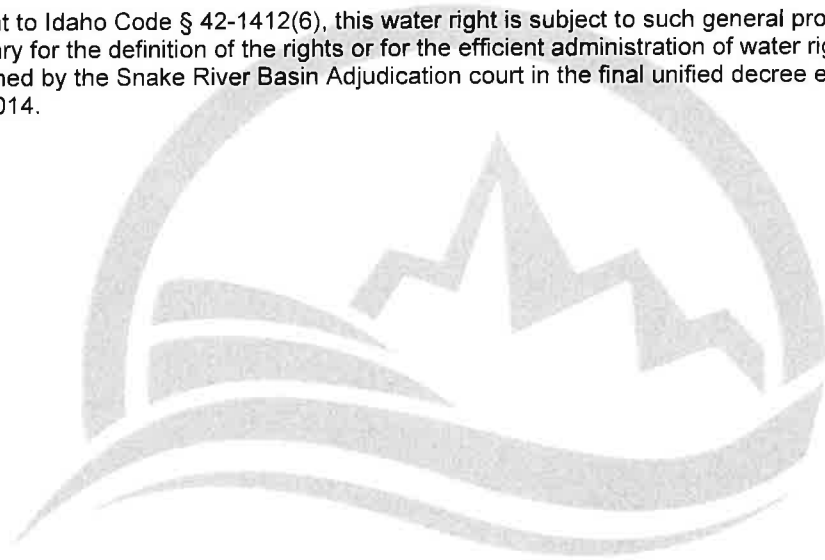
1. Place of use is within the service area of the City of Driggs municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. Use of water under this right may 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. 122.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to diversion and use of water under Transfer approval 90369, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

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WATER RIGHT NO. 22-14768
As Modified by Transfer No. 90369

CONDITIONS OF APPROVAL

7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 22-7144

As Modified by Transfer No. 90369

In accordance with the approval of Transfer No. 90369, Water Right No. 22-7144 is now described as follows:

Right Holder: THOMAS E HILL AND
LEXIE G HILL
1540 S 6000 W
DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	1.520 cfs	402.5 af
			1.520 cfs	402.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	18													25.8	30.3	31.4	27.5	115.0

POU Total Acres: 115.0

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 6.19 cfs.
Combined Right Nos.: 22-7143, 22-7144, 22-7145, and 22-7146.
2. 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 lands above.
3. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-7145
As Modified by Transfer No. 90369

In accordance with the approval of Transfer No. 90369, Water Right No. 22-7145 is now described as follows:

Right Holder: THOMAS E HILL AND
 LEXIE G HILL
 1540 S 6000 W
 DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	3.180 cfs	477.0 af
			3.180 cfs	477.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	19	39.0	40.0	40.0	38.0	40.0	32.0	37.0	38.0									304.0
								L 1	L 2										

Right Acre Limit: 159.0

POU Total Acres: 304.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 159.0 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7145 and 22-7146 are limited to the irrigation of a combined total of 304.0 acres in a single irrigation season.
3. Right Nos. 22-7145 and 22-7146 are limited to a total combined diversion rate of 3.36 cfs and to a total combined annual diversion volume of 924.0 AF.
4. Rights 22-7143, 22-7144, 22-7145, and 22-7146 when combined shall not exceed a total diversion rate of 6.19 cfs.
5. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

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WATER RIGHT NO. 22-7145
As Modified by Transfer No. 90369

CONDITIONS OF APPROVAL

6. The following rights are also diverted through point of diversion described above: 22-7143, 22-7144, 22-7145, 22-7146.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or 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.



WATER RIGHT NO. 22-7146
As Modified by Transfer No. 90369

In accordance with the approval of Transfer No. 90369, Water Right No. 22-7146 is now described as follows:

Right Holder: THOMAS E HILL AND
 LEXIE G HILL
 1540 S 6000 W
 DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	2.980 cfs	447.0 af
			2.980 cfs	447.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	19	39.0	40.0	40.0	38.0	40.0	32.0	37.0	38.0									304.0
								L 1	L 2										

Right Acre Limit: 149.0

POU Total Acres: 304.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 149.0 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7145 and 22-7146 are limited to the irrigation of a combined total of 304.0 acres in a single irrigation season.
3. Right Nos. 22-7145 and 22-7146 are limited to a total combined diversion rate of 3.36 cfs and to a total combined annual diversion volume of 924.0 AF.
4. Rights 22-7143, 22-7144, 22-7145, and 22-7146 when combined shall not exceed a total diversion rate of 6.19 cfs.
5. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

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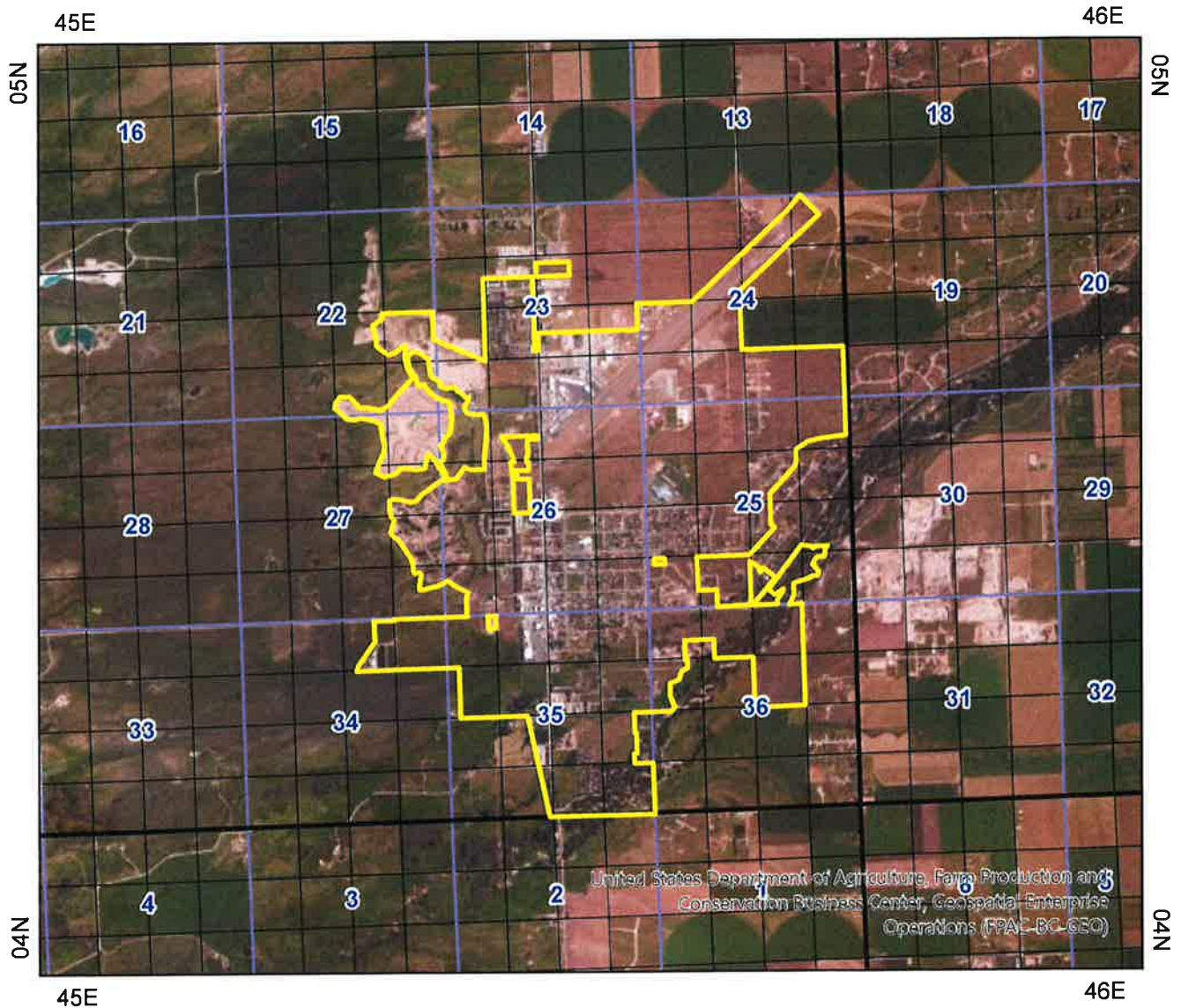
WATER RIGHT NO. 22-7146
As Modified by Transfer No. 90369

CONDITIONS OF APPROVAL

6. The following rights are also diverted through point of diversion described above: 22-7143, 22-7144, 22-7145, 22-7146.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or 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.



State of Idaho
Department of Water Resources
Transfer of Water Right
Transfer No. 90369
Water Service Area Boundary for City of Driggs
22-14768



- Water Service Area Boundary
- Sections
- State Outline
- Quarter Quarters
- Townships



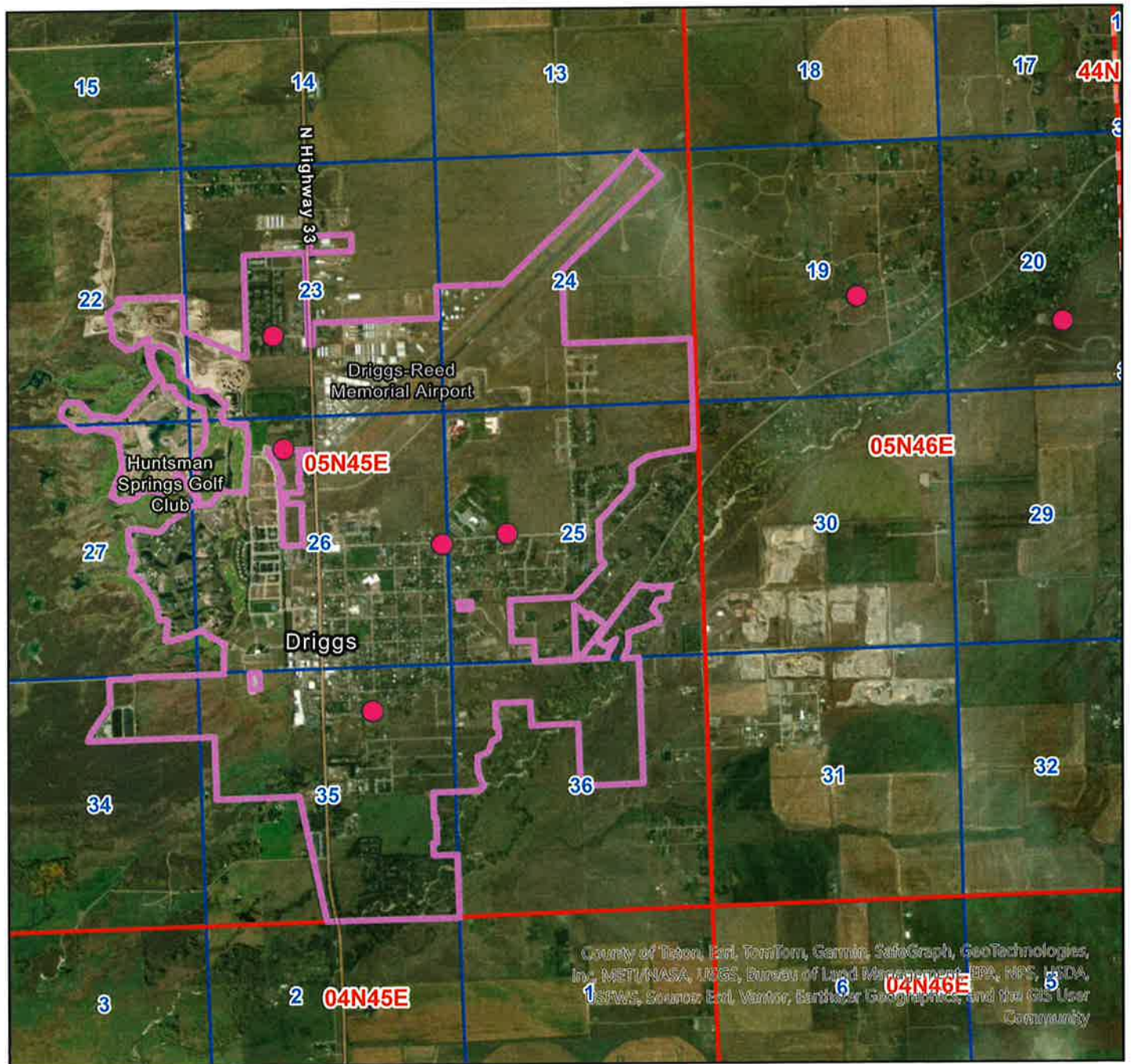
0 0.7 1.4 2.1 2.8 Miles



Imagery: 2023 Aerial Photography

Attachment to Transfer Approval 90369

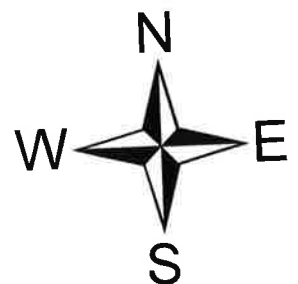
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 2,000 4,000 8,000 Feet



Date: 7/23/2026



July 23, 2026

5TH STREET HOUSING LLC
3300 EAST SKI HILL ROAD
ALTA WY 83414

Re: Transfer No: 90369
Water Right No(s): 22-7143, 22-7144, 22-7145, 22-7146, 22-14768

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

THOMAS E HILL
LEXIE G HILL
1540 S 6000 W
DRIGGS ID 83422-4839

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2026 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 90369

Water Right No(s): 22-7143, 22-7144, 22-7145, 22-7146, 22-14768

**5TH STREET HOUSING LLC
3300 EAST SKI HILL ROAD
ALTA WY 83414**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552**

**THOMAS E HILL
LEXIE G HILL
1540 S 6000 W
DRIGGS ID 83422-4839**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.