



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
<http://www.fws.gov/idahoes/>



TETON COUNTY
PLANNING & ZONING

SEP 23 2010

RECEIVED

SEP 21 2010

Wendy Danielson
Teton County
150 Courthouse Drive
Suite 107
Driggs, Idaho 83422

Subject: Proposed Heritage Peaks Subdivision in Teton County, Idaho.

Dear Ms. Danielson:

The Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, proposed, and/or candidate species, and designated critical habitat which may occur in the area of the proposed Heritage Peaks Subdivision in Teton County, Idaho. You requested this list by letter on September 14, 2010 and received in our office on September 17, 2010.

The Endangered Species Act of 1973, as amended (Act) includes provisions for the conservation of listed species on both Federal and non-Federal lands. A private landowner may wish to enter into an agreement with the Service under section 10 of the Act for activities that benefit listed, proposed, and candidate species. Voluntary agreements such as Safe Harbor Agreements or Candidate Conservation Agreements contribute to the conservation of listed, proposed, or candidate species while allowing for management activities on non-Federal lands. In addition, Section 9 of the Act prohibits the "taking" of any listed species without an exemption (issued by the Service) for that take¹. For private landowners, that exemption is developed through the permit process of Section 10 (through a Habitat Conservation Plan) of the Act. More information on the various mechanisms for take exemption available to private landowners under the Act can be found at <http://www.fws.gov/idaho/Landowners.htm>.

Section 7 of the Act requires Federal agencies to assure that their actions do not jeopardize any listed species and provides a process for exemption of take for federal agencies. If there is a Federal action (funding, permitting, or direct action) associated with your project, the Federal

¹ Take of threatened or endangered animal species is defined as; harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

Federal action (funding, permitting, or direct action) associated with your project, the Federal agency is required to consult with the Service if the action may affect a listed species. Section 7 regulations allow for applicants to be involved in the consultation process. For instance, a Federal agency may designate you or another non-Federal entity to represent them in an informal consultation.

The enclosed list fulfills the requirements for a species list under section 7(c) of the Act. If the project decision has not been made within 180 days of this letter, regulations require that you request an updated list. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at

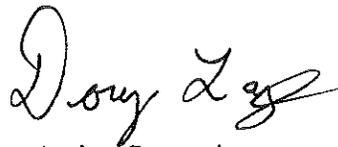
<http://www.fws.gov/endangered/consultations/s7hndbk/s7hndbk.htm>. Section 7 consultation information specific to Idaho listed species can also be found on the Snake River Fish and Wildlife Office website at <http://www.fws.gov/idaho/species.htm>.

For more information on grizzly bears, and living and recreating in grizzly bear country, please visit the Service's Mountain-Prairie Region Grizzly Bear Recovery Home Page at:

http://mountain-prairie.fws.gov/species/mammals/grizzly/fact_sheets.htm .

If you have any questions about your responsibilities under section 7 of the Act, or require further information, please contact Ty Matthews of our Eastern Idaho Field Office at (208)237-6975 extension 115. Thank you for your interest in endangered species conservation.

Sincerely,



Acting Supervisor,
Eastern Idaho Field Office

Enclosures



TETON COUNTY, IDAHO PLANNING & BUILDING DEPARTMENT
TETON COUNTY, IDAHO
SPECIES LIST 2010

LISTED SPECIES

COMMENTS

Grizzly bear (*Ursus arctos*)

LT

PROPOSED SPECIES

None

CANDIDATE SPECIES¹

Yellow-billed cuckoo (*Coccyzus americanus*)

C

LE - Listed Endangered
LT - Listed Threatened
XN - Experimental/Non-essential population
PT - Proposed Threatened
C - Candidate

¹Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on candidate species that may occur in the project area.



IDAHO DEPARTMENT OF FISH AND GAME

UPPER SNAKE REGION
4279 Commerce Circle
Idaho Falls, Idaho 83401

C.L. "Butch" Otter / Governor
Cal Groen / Director

October 28, 2010

J. Curt Moore
Teton County Planning and Zoning
150 Courthouse Drive, Room 107
Driggs, ID 83422

RE: Heritage Peaks Subdivision

Dear Curt:

We have reviewed the Preliminary Plat proposal, Natural Resources Analysis, and Wetlands Delineation Report for the Heritage Peak Subdivision. Resident species of fish and wildlife are the property of all citizens within the state (Idaho Code § 36-103(a)), and decisions affecting fish and wildlife therefore are the concern of all Idahoans. The Idaho Department of Fish and Game (Department), acting under the supervision of the Idaho Fish and Game Commission, is charged with the statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code § 36-103(a)). As such, we advocate that fish and wildlife receive equal consideration with other resources in decisions affecting land and water management and offer the following comments.

This general area shown on the plat map has been historically grazed as have most areas that cannot be cultivated in the Teton Valley. With its diverse vegetation and location primarily in a wetland, this area offers high value habitat for many animal classes including birds, mammals, reptiles, and fish.

Yellowstone cutthroat trout (YCT), a species of special concern, has access to Spring Creek during periods of high water and utilizes the Spring Creek drainage for possible feeding, migration, and spawning. With recent petitions to have YCT listed under the Endangered Species Act, it is imperative that this water system is protected from pollutants. This waterway could be compromised if suitable septic systems are not used. This entire system makes its way to the Teton River which is also important Yellowstone Cutthroat trout habitat.

From the plat, most of this property will remain undeveloped. The two home sites will not significantly alter wildlife habitat or movements. This project area is located adjacent to a major highway and other residences, so it accustoms local wildlife to human disturbances.

We recommend Teton County P&Z include the following requirements for this development:

1. Plat notes should include an agreement that landowners cannot file a claim against the Idaho Department of Fish and Game for wildlife damage to their property.
2. Plat notes should include language prohibiting the feeding of wildlife, especially elk and deer. It should be noted that recent legislation strictly prohibits the private feeding of big game animals in

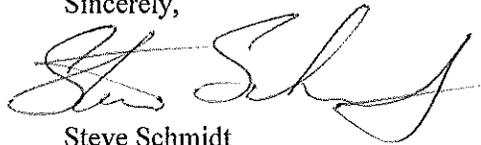
Keeping Idaho's Wildlife Heritage

this area (IDAPA 02.04.25.001). Song birds would not be included in this prohibition, however, bird feeders should be prohibited March through November when bears are active.

3. Plat notes should require pets (dogs and cats) be restrained or directly attended at all times.
4. Plat notes should require that all fences be constructed to allow wildlife passage. Buck-and-rail and woven wire fences should be prohibited. Barbed wire fences should not be taller than 42 inches, have smooth wire on top, and be constructed to be let down in winter.
5. Plat notes should require that hay and/or other domestic livestock feed stored on the property be tightly paneled to exclude elk and deer. Design specifications are available from IDFG.
6. Utility lines should be constructed underground. Utility poles are favored perches of numerous raptors which prey on young grouse chicks. Sharp-tailed grouse nesting is suspected to occur in the proposed development area.
7. Noxious weeds must be controlled. Yellow toadflax, musk thistle, Canada thistle, spotted knapweed, and leafy spurge are present in this area.
8. Garbage should be kept in bear proof containers and removed at least once a week.
9. If this development does not commence within five years, it must be resubmitted through the new development process again.

Thank you for providing us an opportunity to comment on this proposal for the Heritage Peaks Subdivision. Please contact Paul Faulkner of my staff at 208-525-7290 if you have questions about our comments.

Sincerely,



Steve Schmidt
Regional Supervisor

SLS:TT:jms

cc: Natural Resources Policy Bureau, IDFG
Terry Thomas, IDFG
Charlie Anderson, IDFG
Deb Mignogno, USFWS-Eastern Idaho Field Office



TETON COUNTY OFFICE

820 Valley Centre Drive
Driggs, Idaho 83422
208.354.2220 • fax 354.2224
www.idaho.gov/phd7

Promoting the Health of People & Their Environment

28 October 2010

Teton County Planning and Zoning
150 Courthouse Drive
Driggs, Idaho 83422

TETON COUNTY
PLANNING & ZONING

OCT 28 2010

RECEIVED

AW Engineering
255 South Main, PO Box 139
Victor, Idaho 83455

RE: Heritage Peaks Subdivision

Eastern Idaho Public Health District approves the subdivision application and preliminary plat (revised 16 Aug 10) for Heritage Peaks Subdivision. As stated in our letter of 16 Aug 10, same subject, the following comments are intended to provide additional information regarding conditions necessary to obtain an individual on-site sewage disposal permit.

1. All site suitability criteria, contained in the Technical Guidance Manual for Individual Sewage Disposal Systems, must be met. This includes required separation distances to permanent, intermittent, and temporary surface water features, and irrigation ditches and canals.
2. Sewage disposal systems must meet the conditions stated in the DEQ letter, dated 16 Jul 2010, RE: Heritage Peaks PUD-Teton County, Water Quality Impact Analysis Addendum (NP Evaluation) DEQ #09-01-41. Systems must also comply with paragraph 5 of The Level 1 Nutrient/Pathogen Evaluation Addendum for Heritage Peaks Subdivision, dated 5 Jul 2010, with the following exception: private wells must be a minimum of 100 feet from drainfields and 50 feet from septic tanks.
3. Any construction involving identified wetlands (to include transfer lines crossing wetlands) will require prior approval from the US Army Corps of Engineers.

The sanitary rules/regulations and appropriate health certificate for this development will be provided following a review of the final plat. Please give me a call if you have any additional questions.

Michael Dronen, EHS
Eastern Idaho Public Health District



WK: 208-354-0245
CELL: 208-313-0245

**Teton County Engineer
MEMO**

150 Courthouse Dr.
Driggs, Idaho 83422

October 29, 2010

TO: Teton County Planning and Zoning Commissioners
FROM: Louis Simonet
SUBJECT: Heritage Peaks Subdivision Comments

The following are my comments for the Teton County Planning and Zoning Commission meeting to be held on November 9, 2010. These items should be addressed prior to final application, and these comments should be carried over automatically as final comments.

1. This comment pertains to the drain fields for the septic systems.
 - a. ..Because of the following:
 - i. With the amount of possible locations for temporary surface water features.
 - ii. With the possibility of having the drain field change in size and type after the public improvements have been completed and the ownership of the lots have changed hands.
 - iii. With the possibility of the design of the drain field determining the size, or number of bedrooms, of a house.
 - b...It is recommended that something be done to verify that the next owner of the property know in advance that there MAY be an impact to the design of their home due to public health standards. Therefore, can one of the following be completed:
 - i. Can the Engineer of Record (EOR) for the subdivision certify as to the type and size of the drain field, and pre-design this system so that there are known parameters as to these drain field systems and the impacts that it would have on the lot.
 - ii. Can a note be stated on the master plan what the possible impacts of the temporary surface water features would have on the drain field.
 - iii. Can the EOR for the subdivision certify that all site suitability criteria, contained in the Technical Guidance Manual for Individual Sewage Disposal Systems, be met by the proposed location and size of the drain fields. If so can this be stated on the Master Plan, and the size, type and location of the drain fields should be clearly shown on the Plan.
 - c... This question is brought forward for both discussion and review. I feel that it would be to the benefit of the developer to pre-discuss this with myself, the county planner, and EPHID. Please feel free to contact me about this at any time. I am not fixed on only one answer and would love to hear any other possible solutions.

2. This comment pertains to the concerns of the flood plain line that is shown on the preliminary plat.

a. ...Please verify that FEMA Map 160581C0094C is the correct map.

b. ...I have a concern as to where the Flood Plain is located. Can the EOR do one of the following:

- i. Certify that the building envelopes and public works are not going to be impacted by the flood plain.
- ii. Complete a study verifying where the flood plain is located.
- iii. Require specific FEMA approved construction of the residences where they would be impacted by the flood plain.
- iv. Provide some other certification/notice that alerts the property owner of the possible impact of the Flood Plain.

3. Preliminary Plat:

a. Please show what the dedications are:

- i. Is the road dedicated to the HOA? Heritage Drive should be dedicated to a single entity so that they can have control over the road. If there needs to be additional easements dedicated to the utilities, please do so.
- ii. Is the 30' County Road ROW dedicated to the county. It appears that the property line goes to the center line of the county road. This 30' section should be a separate parcel dedicated to the county.
- iii. Is the turn around area dedicated to anyone. This should be part of the road or at least shown as an easement that is dedicated to someone. Preferably, it is part of the road property.
- iv. Who is the open space dedicated to. Who is responsible to maintain it.
- v. Who are the head gates and irrigation ditches dedicated to. They should be dedicated to the proper owners and access to them should be granted to the owners for maintenance.

b. Please locate all aspects of the plat.

- i. Please locate the drain fields. Since these will probably be shown on the Master Plan and not on the Plat at the final application, then these should be located on the master plan. See comment #1.
- ii. Please locate the building envelopes. If the building envelopes are shown on the Plat they should also be shown on the Plan. See comment #2.
- iii. Please locate the easements for the irrigation ditches and access to them.

c. Please state somewhere on the Plan the requirements for well head elevations versus the water elevation. It appears that the well will be drilled in wetlands and possibly next to a creek/ditch in which case this difference in elevation requirement for a well should be noted on the Plan. (Is should not be noted on the plat since this is not a survey item.)

d. On the road plans there is a 20'x30' landscape and mailbox area that is not shown on the plat or the plan. Please show on the plat and dedicate to the correct person/entity. Please show on the plan.

e. Legend, Please verify all labels and line types.

f. Is this a PUD or a Subdivision. All documents should state it correctly.

4. Improvement Plans (Road Plans): Sheet 1 and 2:

- a. Please provide a design for the road signs and the subdivision entrance sign.
- b. Please provide a design for the turn around. Including width, length and a plan view and cross section.
- c. Please provide a design for the mailbox and landscape easement.
- d. Road Profile View: Please show that the structural backfill will provide drainage as shown on the county standards. Typical road section shall show the bottom of the sub base the full width of both lanes and the shoulders and shall continue until it intersects the 4:1 slope. Compacted native material shall NOT be used for that portion of the 4:1 slope above the bottom of the sub-grade.
- e... Please state (on the plans) the inspection requirements per the Teton County standards.
- f. .. Please state (on the plans) the standards used:
 - i. Road standards:
 - ii. Well Standards
 - iii. Erosion control standards
 - iv. Septic standards
 - v. Fire standards
 - vi. Water standards
 - vii. Sewer standards
- g... Please provide a design and the sizing calculations for the culvert at the end of the road. This should include details for construction.
- h... Please label the improvement plans as such to match the development agreement.

5. Development Agreement.

- a... Section 16, As constructed plans shall be turned over to the Planning office.
- b... Section 3, Signs: the signs shall be retro-reflective, unless it is deemed that the subdivision sign is to be not-reflective.
- c... Section 6, Building permits: Can a note stating that no CO can be obtained until the improvements have been completed, be recorded on the Plan in order to notify future property owners.
- d... It may be advantageous to both the county and the developer to have the surety end a couple of months after the development agreement expires. That way, the developer can complete the construction of the public improvements by a specific date, and then the county can do the final inspections and project close out. This is just a recommendation for discussion.
- e... Section 15: final inspection request by the contractor should be in writing or by electronic mail. This request and all correspondence should be through the Planning office.
- f. .. Section 2 states that there is to be fire protection installed. Please have the Fire Dist. verify, in writing, that no fire protection is needed for this subdivision.

6. Please place a note on the Master Plan that states what was stated on comment #3 in the letter received by Eastern Idaho Public Health District. The note should state "Any construction

involving identified wetlands (including transfer lines crossing wetlands) will require prior approval from the US Army Corps of Engineers.”

7. Please verify that no wetland permits are required prior to starting the public improvements. If there are permits required please state who is responsible to obtain them.

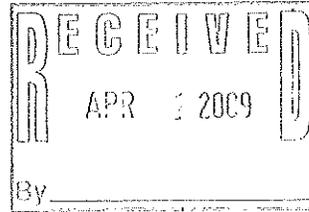
If there are any questions please call or email.

Thanks,

Louis Simonet



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY



900 North Skyline Drive, Suite B • Idaho Falls, Idaho 83402 • (208) 528-2650

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

March 25, 2009

Patrick Vaile
Teton County P&Z Administrator
89 N. Main Street
Driggs, ID

**Re: Heritage Peaks PUD-Teton County, Water Quality Impact Analysis (NP Evaluation).
DEQ # 09-01-41**

Dear Mr. Vaile

Teton County has required the preparation of a Water Quality Impact Analysis (NP Evaluation) for the Heritage Peaks PUD pursuant to the Teton County Subdivision Ordinance. Teton County has requested DEQ review the NP Evaluation. This letter contains DEQ's comments and recommendations regarding the NP Evaluation. This letter does not constitute and approval, license, permit or any other form of authorization required by law. The comments and recommendations contained in this letter are provided to Teton County for its consideration in reviewing the development pursuant to Teton County law. The letter reflects DEQ's opinion, based upon the information and analysis in the NP Evaluation, regarding whether the discharges from wastewater systems for the proposed development will comply with the Idaho Ground Water Rule and Idaho Water Quality Standards. The comments and recommendations, however, are not binding and Teton County is free to disregard this letter.

The DEQ has the following comments regarding the NP Evaluation:

1. The NP Evaluation does not discuss or address the fate transport of pathogens or their effects on ground water.
2. The NP Evaluation does not discuss or address the fate transport of phosphorus to the ground water or adjacent Spring Creek. It is uncertain whether there exists a connection of ground water (either the shallow perched water (wetlands) or the upper unconfined aquifer) to the surface water of Spring Creek. Spring Creek is not a 303d listed stream and currently has no TMDL and has not been listed as water quality limited, however the USEPA Gold Book (USEPA, 1986) water quality guideline values for total phosphorous should guide the evaluation if there exists a connectivity of either the shallow perch water or the upper unconfined aquifer to Spring Creek. The US EPA water quality value for phosphorous for streams is 0.100 mg/l.

3. The location and placement of the drain fields will be critical in meeting all of the Technical Guidance Manual (TGM) criteria. The Health District should be consulted for proper location of the drain fields per the (TGM) for Subsurface Disposal Systems.
4. The individual drain fields should also be modeled to assure compliance to any individual drinking water wells that may be located down gradient of the proposed drainfield locations. The wells for lots 3,4 and 5 are down gradient of the drain fields for lots 4 and 5.
5. The conclusions for the NP report should be more specific in what will actually be proposed as far as the number and size of lots and the level of treatment in order to meet the required limits at the compliance points. The plat should be updated to match the accepted or selected alternative from the NP evaluation.

If you have any questions regarding this letter or if we can be of further assistance, please call (208) 528-2650.

Sincerely,



William Teuscher PE
Water Quality Engineer
Idaho Falls Regional Office

C: Eric Neher PG, Regional Administrator
Gregory Eager PE, Engineering manager
Doug Conde, Deputy Attorney General
Mike Dronen, EIHD Driggs.
John Rice PG, Rocky Mountain Environmental



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

900 North Skyline Drive, Suite B • Idaho Falls, Idaho 83402 • (208) 528-2650

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

July 16, 2010

Patrick Vaile
Teton County P&Z Administrator
89 N. Main Street
Driggs, ID

Re: Heritage Peaks PUD-Teton County, Water Quality Impact Analysis Addendum (NP Evaluation). DEQ # 09-01-41

Dear Mr. Vaile

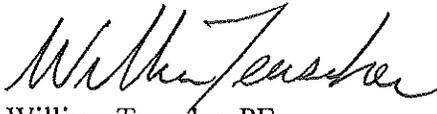
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The DEQ has the following comments regarding the NP Evaluation:

1. DEQ feels that all of our previous comments have been addressed and that the Water Quality Impact Analysis is acceptable.
2. It is DEQ's opinion that there will be no significant impacts to the ground or surface waters if the recommendations are followed as presented in Section 5 of the Water Quality Impact Analysis Addendum which are summarized below:
 - a) By reducing the number of lots to 2 lots.
 - b) By the installation of advanced treatment units for the septic systems in order to meet the effluent quality of 27mg/l nitrate concentration, along with sand mound or cap and fill trenches for the drain fields. Also by meeting all set backs as established in the Technical Guidance Manual (TGM). And by assuring the established placements for the septic tanks, drain fields and wells are clearly shown on the amended preliminary plat.

If you have any questions regarding this letter or if we can be of further assistance, please call (208) 528-2650.

Sincerely,

A handwritten signature in cursive script, appearing to read "William Teuscher".

William Teuscher PE
Water Quality Engineer
Idaho Falls Regional Office

C: Eric Neher PG, Regional Administrator
Gregory Eager PE, Engineering manager
Mike Dronen, EIHD Driggs
Jennifer Zung PE, President, Harmony Design and Engineering

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/22/2010

WATER RIGHT NO: 22-13668

Owner Type	Name and Address
Current Owner	D & R ROBERTS FAMILY LTD PARTNERSHIP PO BOX 417 DRIGGS, ID 83422 (307)690-1638

Priority Date: 06/01/1897

Basis: Decreed

Status: Active

Source	Tributary
SOUTH LEIGH CREEK	TETON RIVER
UNNAMED STREAM	SPRING CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.15 CFS	
Total Diversion			0.15 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM	SENW	Sec. 34	Township 06N	Range 45E	TETON County
SOUTH LEIGH CREEK	SESENW	Sec. 34	Township 06N	Range 45E	TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County



Township	Range	Section	Lot	Tract	Acres									
06N	45E	34		SWNW	1.9		SEnw	1.7						

Total Acres: 3.6

Conditions of Approval:

1.	B01	Source is also known as Little Dry Creek for one of the points of diversion.
2.		This right is a split from former right 22-336 .
3.	C02	Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
4.	C18	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.
5.	F01	Water is delivered through Hopkins Ditch.
6.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Dates:

Licensed Date:

Decreed Date: 11/26/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

RECEIVED

DISTRICT COURT SRBA
TWIN FALLS CO., IDAHO
FILED _____

JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

2007 JAN 23 AM 10 35

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-336 SPLIT
INTO: 22-13667, 22-13668,
22-13669

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- Address change
- Substitution of Party **D & R & ANDERSON TO HOPKINS, D & R FAMILY LTD PARTNERSHIP, AND ANDERSON**

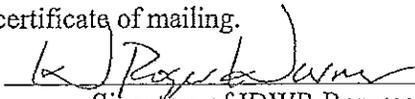
I.C. § 42-222 transfer

- point of diversion place of use
- period of use nature of use
- split of water right change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 1/24/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Jan 26, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
DONETTA ANDERSON D & R ROBERTS FAMILY LTD PARTNERSHIP
1666 E COUNTRY LN PO BOX 417
ERDA UT 84074 DRIGGS ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
EDNA HOPKINS D & R ROBERTS FAMILY LTD PARTNERSHIP
PO BOX 61 PO BOX 417
TETONIA ID 83452 DRIGGS ID 83422

DONETTA ANDERSON
1666 E COUNTRY LN
ERDA UT 84074

4. One copy to:

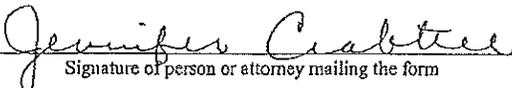
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-336

Split Right: See Nos. 22-13667, 22-13668, 22-13669

01/23/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13667

NAME AND ADDRESS: EDNA HOPKINS
PO BOX 61
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK
UNNAMED STREAM

TRIBUTARY: TETON RIVER
TRIBUTARY: SPRING CREEK

QUANTITY: 0.580 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T06N R45E S34 SENW Within TETON County
T06N R45E S34 SESENW Within TETON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.580 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S34	SWNW	0.50	T06N R45E S34	SENW	13.00
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13.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-336 .

Water is delivered through Hopkins Ditch.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Source is also known as Little Dry Creek for one of the points of diversion.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

01/23/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13668
NAME AND ADDRESS: D & R ROBERTS FAMILY LTD PARTNERSHIP
PO BOX 417
DRIGGS ID 83422
SOURCE: SOUTH LEIGH CREEK
UNNAMED STREAM
TRIBUTARY: TETON RIVER
TRIBUTARY: SPRING CREEK
QUANTITY: 0.150 CFS
PRIORITY DATE: 06/01/1897
POINT OF DIVERSION: T06N R45E S34 SENW Within TETON County
T06N R45E S34 SESENW Within TETON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.150 CFS

PLACE OF USE:

<u>IRRIGATION in TETON County</u>	
T06N R45E S34 SWNW 1.90	T06N R45E S34 SENW 1.70

3.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also known as Little Dry Creek for one of the points of diversion.

This right is a split from former right 22-336 .

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Water is delivered through Hopkins Ditch.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

01/23/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13669

NAME AND ADDRESS: DONETTA ANDERSON
1666 E COUNTRY LN
ERDA UT 84074

SOURCE: SOUTH LEIGH CREEK
UNNAMED STREAM

TRIBUTARY: TETON RIVER
TRIBUTARY: SPRING CREEK

QUANTITY: 0.470 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T06N R45E S34 SENW Within TETON County
T06N R45E S34 SESENW Within TETON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.470 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S34 SWNW 5.10 T06N R45E S34 SENW 5.00

11.1 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Source is also known as Little Dry Creek for one of the points of diversion.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Water is delivered through Hopkins Ditch.

This right is a split from former right 22-336 .

RECEIVED

NOV 28 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 26 2008

Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

) Water Rights: 22-13667,

) 22-13668 & 22-13669

) ORDER OF PARTIAL DECREES
)
)
)

On December 22, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 22, Part II, Reporting Area 17, for Irrigation and Other Water Rights*, which included a recommendation for water right 22-00336.

On January 29, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court that water right 22-00336 had been split into water rights 22-13667, 22-13668 and 22-13669. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED November 26, 2008.

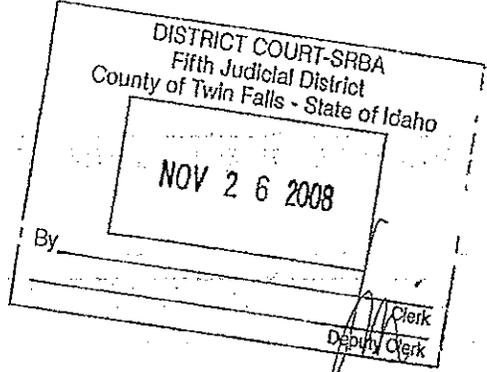
JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 22-13667



NAME AND ADDRESS: EDNA HOPKINS
PO BOX 61
TETONIA, ID 83452

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER
UNNAMED STREAM TRIBUTARY: SPRING CREEK

QUANTITY: 0.58 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T06N R45E S34 SESENW Within Teton County
SENW

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.58 CFS

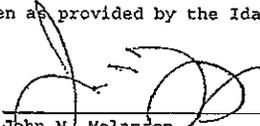
PLACE OF USE:	Quantity	Location
Irrigation	0.5	Within Teton County
T06N R45E S34	13.0	SENW 13.0
13.5 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
PARTIAL DECREE PURSUANT TO)
Case No. 39576) I.R.C.P. 54 (b) FOR)
Water Right 22-13668

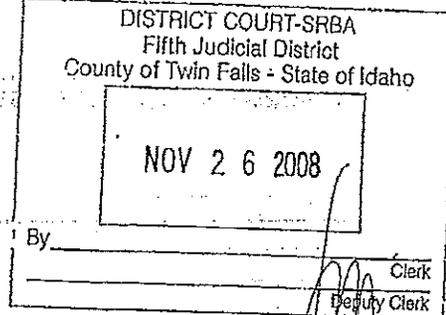
NAME AND ADDRESS: D & R ROBERTS FAMILY LTD
PARTNERSHIP
PO BOX 417
DRIGGS, ID 83422

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER
UNNAMED STREAM TRIBUTARY: SPRING CREEK

QUANTITY: 0.15 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T06N R45E S34 SESENW Within Teton County
SENW



PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.15 CFS

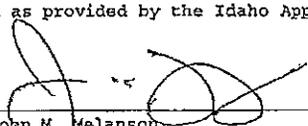
PLACE OF USE: Irrigation Within Teton County
T06N R45E S34 SWNW 1.9 SENW 1.7
3.6 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

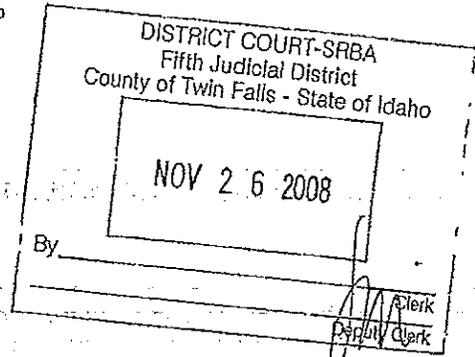
RULE 54 (b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54 (b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 22-13669



NAME AND ADDRESS: DONETTA ANDERSON
1666 E COUNTRY LN
ERDA, UT 84074

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER
UNNAMED STREAM TRIBUTARY: SPRING CREEK

QUANTITY: 0.47 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T06N R45E S34 SESENW Within Teton County
SENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.47 CFS

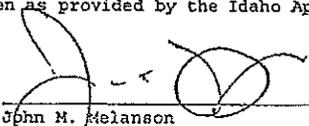
PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S34	SESW 5.0
	11.1 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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, I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on November 26, 2008, with sufficient first-class postage to the following:

D & R ROBERTS FAMILY LTD
PARTNERSHIP

PO BOX 417
DRIGGS, ID 83422

EDNA HOPKINS
PO BOX 61
TETONIA, ID 83452

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DONETTA ANDERSON
1666 E COUNTRY LN
ERDA, UT 84074

ORDER

Page 1 11/26/08

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Deputy Clerk