

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A22-00334A**
Date Received: 10/ 4/1988
Receipt No: E002890
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

MAY 13 1996

Department of Water Resources
Eastern Region

1. Name: TETON PROPERTIES LLC
Address: 6301 HAGGERTY RD
BELLEVILLE MI 48111

2. Date of Priority: JUN 24, 1897

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	33	NW	SW			TETON

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/31	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	45E	32	SW	NW		IRR	40.0

A2200334A



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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NONE

14. Remarks:

CHANGED OWNERSHIP 3/21/95/JT/GT

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

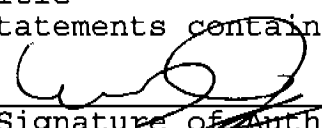
Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am A MEMBER of
TETON PROPERTIES, L.L.C. _____ Title

_____, that I have signed the foregoing
Organization _____ A MEMBER
document in the space below as _____ of

TETON PROPERTIES, L.L.C. _____ Title
Organization _____ and that the statements contained in the
foregoing document are true and correct.


Signature of Authorized Agent
WAYNE D. JONES
MEMBER, TETON PROPERTIES, L.L.C.
Title and Organization

4/5/96
Date

State of Idaho)
County of WAYNE) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of April 19 96

Seal

Elizabeth Thuss
Notary Public

Residing at 15115 WESTLAKE
Taylor, MI 48180

My Commission Expires 6/12/99

ELIZABETH THUSS
NOTARY PUBLIC - WAYNE COUNTY, MI
MY COMMISSION EXPIRES 06/12/99

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NOV 06 1996

Teton Properties, L.L.C.
6301 Haggerty Road
Belleville, MI 48111

May 7, 1996

Jo Thompson
Adjudications Secretary
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

RECEIVED

MAY 13 1996

Department of Water Resources
Eastern Region

RE: Snake River Basin Adjudication (SRBA)

Dear Ms. Johnson:

Enclosed is the completed Notice of Claim per your request. If we can be of further assistance please contact our office.

Teton Properties, L.L.C.
6301 Haggerty Road
Belleville, MI 48111

Enclosure

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NOV 06 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MAY 6, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES S FONTICHIARO ESQ
BARRIS SOTT DENN & DRIKER
211 W FORT ST 15TH FL
ETROIT MI 48226-3281

RE: TETON PROPERTIES LLC; ACQUISITION OF PROPERTY IN
TETON COUNTY IDAHO

Dear Sirs:

On March 15, 1995, we received a request from Tim Hopkins, attorney for Teton Properties LLC, to change the ownership on several water rights that were appurtenant to the property they purchased in Teton County. The water rights pertaining to the property are as follows: A22-00334A, -00442A, -00443A, -00526, -00527, and -11995.

All of the water rights listed above are now in the name of Teton Properties LLC. However, A22-00334A has inadvertently been misplaced and we do not have a signed notarized claim in the files. Please have the authorized agent for Teton sign the enclosed Notice of Claim in the presence of a Notary and return to my attention.

Enclosed is a form that you, as attorney for Teton Properties, should complete and return. After the completed form is returned, I will data enter the firm's name for all of Teton Properties. All future correspondence can then be mailed to you.

Your cooperation in this matter is greatly appreciated. If you have any questions or concerns, please call me at 208 525-7161.

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim (A22-00334A)
Change in Attorney Form

RECEIVED

NOV 06 1996

HOPKINS, RODEN, CROCKETT, HANSEN & HOOPES
LAWYERS

SALISBURY BUILDING - 428 PARK AVENUE

P.O. BOX 51219

IDAHO FALLS, IDAHO 83405-1219

TELEPHONE (208) 523-4445

FAX (208) 523-4474

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
JOHN D. HANSEN
D. FREDRICK HOOPES
LARY S. LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY
LANE R. SIMMONS
REED E. ANDRUS
CURTIS R. SMITH

SEWARD H. FRENCH (1941-1984)
TED C. SPRINGER (1943-1984)

ROBERT A. deGROOT
REGISTERED PATENT AGENT

BOISE OFFICE
802 WEST BANNOCK - SUITE 900
P.O. BOX 2110
BOISE, IDAHO 83701-2110
TELEPHONE (208) 336-7930
FAX (208) 336-9154

May 2, 1996

RECEIVED

Eastern Region

Jo Thompson, Adjudication Secretary
State of Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Teton Properties, LLC; Acquisition of Property in Teton County, ID

Dear Ms. Thompson:

Thank you for your letter of April 30th and your previous telephone inquiry concerning Teton Properties, LLC. I suggest you contact Jim Fontichiaro at the address and telephone number as follows:

James S. Fontichiaro, Esq.
Barris, Sott, Denn & Driker
211 West Fort Street, 15th Floor
Detroit, MI 48226-3281

Telephone: 313 969 2493

I have written to him explaining your interest in contacting a responsible party for Teton Properties.

Let me know if I can be of further assistance.

Very truly yours,


C. Timothy Hopkins

CTH/jmm
cc: James S. Fontichiaro, Esq.

MICROFILMED

MAY 06 1996

COPY

APRIL 30, 1996

TIMOTHY HOPKINS
HOPKINS RODEN CROCKETT HANSEN & HOOPES
PO BOX 51219
IDAHO FALLS ID 83405-1219

RE: TETON PROPERTIES, LLC; ACQUISITION OF PROPERTY IN
TETON COUNTY, ID

Dear Mr. Hopkins:

Pursuant to our conversation this morning, I will give you the details of my problem.

On March 15, 1995, you sent us a letter telling us about the purchase of property made by Teton Properties. This indenture was made between Twin Ponds Associates, a Florida general partnership with partners Barry Silverstein and Dennis McGillicuddy and Teton Properties. Consequently, I changed the ownership on the following water rights: A22-00334A, -00442A, -00443A, -00526, -00527 and -11995 into Teton Properties' name. Unfortunately, A22-00334A was misplaced and being unable to locate it, I sent a computer generated copy to Teton Properties On March 22, 1996, asking them to sign the Notice before a Notary and return it to this office. To this date I have not heard from them. There is no telephone listed on any of the Notices and I am wondering if you can locate the attorneys who are representing Teton Properties in Michigan.

Please do not hesitate to call if you have questions. I appreciate your help in locating the proper authorities so that I may contact them concerning this matter.

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosure: Letter dated March 15, 1995
Letter dated March 22, 1996

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NOV 06 1996

ADP



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MARCH 22, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TETON PROPERTIES LLC
6301 HAGGERTY RD
BELLEVILLE MI 48111

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA)

Dear Sirs:

Enclosed is a Notice of Claim generated from information in the Department's file. This Notice was initially filed by Wray Farms, 960 W Hwy 26, Blackfoot, ID in June 5, 1989 and transferred to you through a Change in Ownership. Unfortunately, a recent search revealed the original has been inadvertently misplaced. I ask that you sign the enclosed form before a Notary Public and return to my attention.

My apologies for any inconvenience this may cause you, not to mention our regret in misplacing the Notice of Claim.

Thank you for your prompt attention in this matter. If you have any questions, please call 525-7161 and ask for either me or Ernie Carlsen.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure

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NOV 06 1996

FROM G. TAYLOR

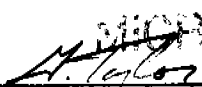
DATE 3-21-95

TO FILES 122-00334A, 00442A, 00443A, 00526, 00527, 11995

SUBJECT Change of Ownership for the above rights was processed based on letter and Warranty Deed received 3/16/95

Are any of these rights from FOX CK to be changed? 360 + 361? NO!

GO AHEAD AND
DO 11995!


SIGNATURE

MARCH 15, 1995

TETON PROPERTIES LLC
6301 HAGGERTY RD
BELLEVILLE MI 48111

RE: CHANGE IN OWNERSHIP FOR A22-00334A, -00442A, -00443A,
-00526, -00527, AND -11995

Dear Sirs:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

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NOV 06 1995

HOPKINS, RODEN, CROCKETT, HANSEN & HOOPES
LAWYERS

SALISBURY BUILDING - 428 PARK AVENUE
P.O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
TELEPHONE (208) 523-4445
FAX (208) 523-4474

SEWARD H. FRENCH (1941-1984)
TED C. SPRINGER (1943-1984)

ROBERT A. deGROOT
REGISTERED PATENT AGENT

C. TIMOTHY HOPKINS
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D. FREDRICK HOOPES
C. TOM ARKOOSH
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TERESA L. STURM
STEVEN K. BROWN
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY
LANE R. SIMMONS
REED E. ANDRUS

March 15, 1995

RECEIVED

MAR 16 1995

BOISE OFFICE
802 WEST BANNOCK - SUITE 900
P.O. BOX 2110
BOISE, IDAHO 83701-2110
TELEPHONE (208) 336-7930
FAX (208) 336-9154

Idaho Department of Water Resources
900 North Skyline
Idaho Falls, ID 83402

Department of Water Resources
Eastern District Office

Re: Teton Properties, L.L.C.--Acquisition of
Real Property in Teton County, Idaho

Gentlemen:

We represent Teton County Properties, L.L.C., a Michigan limited liability company authorized to do business in the State of Idaho which recently acquired fee simple title to the real property located in Teton County, Idaho for which you will see I have enclosed a copy of the deed which has been recorded in the name of our client conveying all of the right, title and interest in the subject property together with appurtenant water and water rights, ditch and ditch rights.

Because it is my presumption that claims to water rights are filed by the previous owner in the Snake River Basin Adjudication I hereby request that those claims henceforth be treated as claims made by the new owner Teton Properties, L.L.C. and that all further communications with respect to the SRBA be directed to Teton Properties, L.L.C. at its Michigan address which is 6301 Haggerty Road, Belleville, Michigan 48111.

Should you have any questions in this matter please let me hear from you.

Very truly yours,



C. Timothy Hopkins

CTH/lc
Encl.

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NOV 06 1995

RECEIVED

35-6394-K

MAR 02 1995

TETON Co. Id.
Clerk Recorder

WARRANTY DEED

THIS INDENTURE is made this 27th day of February, 1995, between **TWIN PONDS ASSOCIATES**, a Florida general partnership having as its general partners, Barry Silverstein and Dennis McGillicuddy, whose mailing address is 5111 Ocean Blvd., Sarasota, FL 34242, the "Grantor", and **TETON PROPERTIES, L.L.C.**, a Michigan limited liability company, whose mailing address is 6301 Haggerty Rd., Belleville, MI 48111, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee and to Grantee's heirs and assigns forever, all the following described property in the County of Teton, State of Idaho, to-wit:

Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Tract 1:Section 31: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$ **Tract 2:**

Section 32: NE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$, LESS Tax No. 2290, described as follows:

Commencing at a point which is a fence corner on the East line of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 6 North, Range 45 East, Boise Meridian, and which point is also on the South line of the County Road Right-of-Way running along the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, and running thence South along the fence line (and the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$) 150 feet; thence West 75 feet; thence North 150 feet; and thence East (along the South line of the county road Right-of-Way) 75 feet, to the point of beginning (the "Excepted Parcel").

Tract 1 and 2 being described by survey as follows:

Commencing at the SW Section corner Section 32, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, the point of beginning; thence N 00°07'37" W, 3975.99 feet to a point; thence S89°27'08" W, 1977.95 feet to a point; thence N00°01'16" E, 661.24 feet to a point; thence N89°24'38" E, 658.75 feet to a point; thence N00°01'42" W, 661.72 feet to a

119283

FILED

AT THE REQUEST OF

American Land

50 MINUTES PAST 3 P

DATE March 3, 1995

Clerk of Recorder

Deputy Clerk

Filmed _____
Indexed _____
Filed _____

NOV 06 1995

point; thence N89°22'07" E, 1316.37 feet to the NE Corner of Section 31; thence N89°36'02" E, 2712.03 feet to the North ¼ Corner of Section 32; thence S00°35'37" W, 5306.11 feet to the South ¼ Corner of Section 32; thence S89°41'17" W, 2645.28 feet to the SW Corner of Section 32, the point of beginning.

LESS Tax No. 2290 described as follows:

Commencing at a point which is a fence corner on the East line of NE¼ NW¼ of Section 32, Township 6 North, Range 45 East, Boise Meridian, and which point is also on the South line of the County Road Right-of-Way running along the North line of said NE¼ NW¼, and running thence South along the fence line (and the East line of said NE¼ NW¼) 150 feet; thence West 75 feet; thence North 150 feet; and thence East (along the South line of the county road Right-of-Way) 75 feet, to the point of beginning.

TOGETHER WITH all water and water rights and ditch and ditch rights that are appurtenant to such Property. ALSO TOGETHER WITH the mobile home now located on the Property.

SUBJECT TO the following restrictive covenant:

Grantee, their successors and assigns, shall not, without consent in writing of the owners of the Excepted Parcel above described, drill an irrigation well on the property described herein closer than ½ mile to the existing domestic well on the Excepted Parcel. This covenant is to assure that an irrigation well shall not be drilled that would impair the domestic well on the Excepted Parcel.

ALSO SUBJECT TO the following:

1. Right, title and interest of the public in and to that portion of the above described premises falling within the bounds of roads and highways, dedicated and or otherwise used by public, and subject to all easements and restrictions attendant pertinent to said highways.
2. All existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations,

NOT RECORDED

NOV 05 1997

encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, any reversions, any remainders, rents, issues and profits therefrom, and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

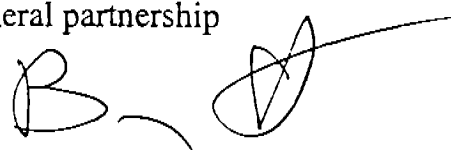
TO HAVE AND TO HOLD, the above described premises and appurtenances unto the Grantee and to the Grantee's heirs and assigns forever. The Grantor shall warrant and defend the premises in the quiet and peaceable possession of the Grantee against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this deed and where the context so requires, the singular includes the plural.

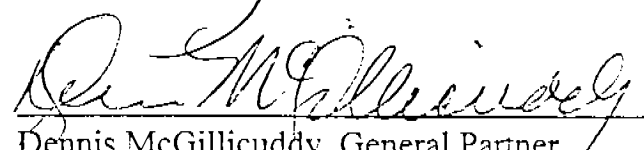
IN WITNESS WHEREOF, the Grantor has set its name by its duly authorized partners.

TWIN PONDS ASSOCIATES, a Florida
general partnership

By:


Barry Silverstein, General Partner

By:


Dennis McGillicuddy, General Partner

MICROFILMED
NOV 06 1988

STATE OF

Florida

)ss.

County of

Seminole

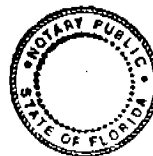
On the 27 day of Feb, 1995, before me the undersigned, a notary public in and for said State, personally appeared BARRY SILVERSTEIN, known or identified to me to be a General Partner of TWIN PONDS ASSOCIATES and the General Partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Notary Public, State of Florida
CAROL ANNE ALLISON
My Comm. Exp. Jan. 13, 1996
Comm. No CC 170743

Carol Anne Allison
Notary Public for State of Florida
Residing at Seville
My commission expires: 1/13/96



Notary Public, State of Florida
CAROL ANNE ALLISON
My Comm. Exp. Jan. 13, 1996
Comm. No CC 170743

STATE OF

Florida

)ss.

County of

Seminole

On the 27 day of Feb, 1995, before me the undersigned, a notary public in and for said State, personally appeared DENNIS MCGILLICUDDY, known or identified to me to be a General Partner of TWIN PONDS ASSOCIATES and the General Partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Notary Public, State of Florida
CAROL ANNE ALLISON
My Comm. Exp. Jan. 13, 1996
Comm. No CC 170743

Carol Anne Allison
Notary Public for State of Florida
Residing at Seville
My commission expires: 1/13/96

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