

08/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-249B

NAME AND ADDRESS: WESTERN TETON DEVELOPMENT LLC
2552 N 35 W
IDAHO FALLS ID 83402

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.070 CFS

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION:

T05N R46E S19 SESE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.070 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S25	NENE	8.00	T05N R45E S25	NWNE	1.00
T05N R45E S25	SWNE	40.00	T05N R45E S25	SENE	20.00
T05N R45E S25	NWSE	20.00			

89 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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.

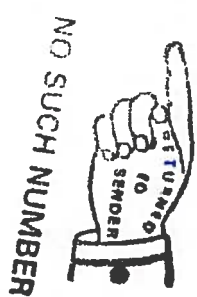
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Price Fairbanks Canal.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED



1-5-17
1-11-17
1-11-17

Bad address.
LLC Not on record w/ Sec of State.
Within City of Driggs, using City
groundwater possibly. Not pursuing
Ownership per
KMO 12108

WESTERN PETON DEVELOPMENT LLC
2552 N 35th W
IDAHO FALLS ID 83402

PDR

22-249B

22-4001A

1064
8902500.630 DEC 06
6904 MAILED FROM ZIP CODE
U.S. POSTAGE
PB35

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

WESTERN TETON DEVELOPMENT LLC
2552 N 35 W
IDAHO FALLS ID 83402

1201
8972\$00.630 JAN 05 2
8152 MAILED FROM ZIP CODE 83



RECEIVED

JAN 08 2007

Department of Water Resources
Eastern Region

JR
22-4001A
22-249B



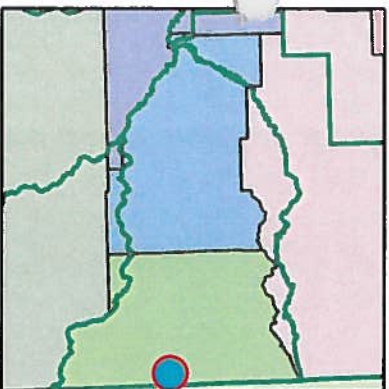
Idaho Department of Water Resources

Adjudication Claim:

22-249B

Legend

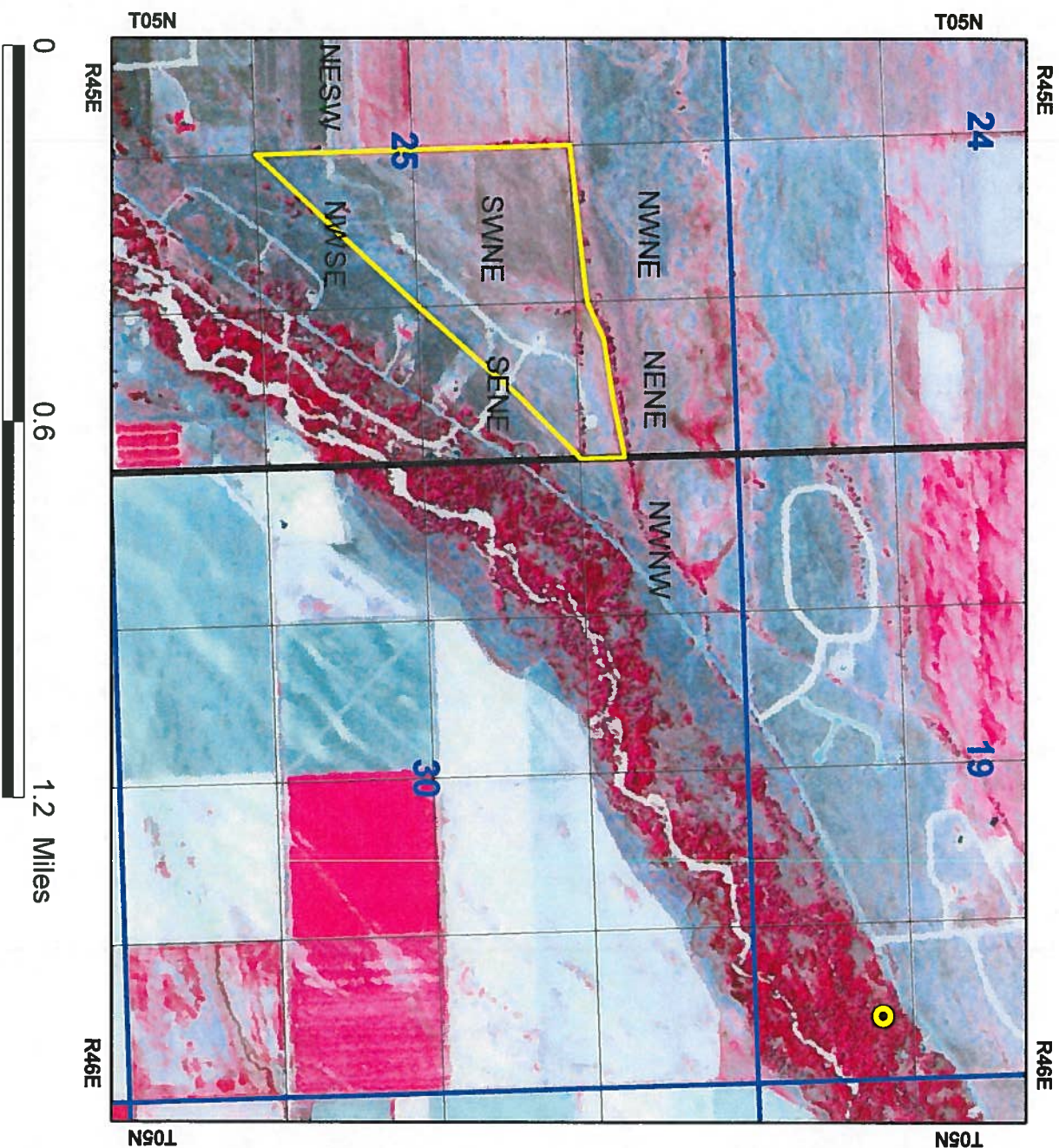
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

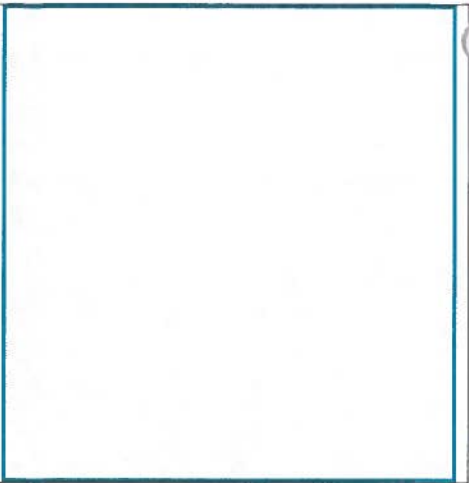


Teton County
IDWR Basin 22



Prepared by D. Carlson
On Tuesday, August 1, 2006
1987/88 Aerial Photography





DELOG
AR
4-13-05
5/24/05

RECEIVED
APR 13 2005
Department of Water Resources
Eastern Region

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-249 B				
	22-4001A				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) ILA NEELEY, DEAN NEELEY
2121 SCENIC DR., SALT LAKE CITY, UT. 84109
4. New Owner/Claimant(s) WESTERN TETON DEVELOPMENT LLC
Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2552 NORTH 35 WEST
- City, State and ZIP Code IDAHO FALLS, ID 83402
- New Telephone Number (208) 522-5447
5. Date you acquired the property 10-8-2004

COMPLETED
5/24/05
KW

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Christina Managing Member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

66190

RECEIVED

FEB - 2 2005

TETON CO., ID
CLERK RECORDER

RECORDING REQUESTED BY
HOLMGREN & MITTON, L.C.
SEND TAX NOTICE TO:
WESTERN TETON DEVELOPMENT, LLC
c/o Clair Rood
175 South West Temple, Ste 650
Salt Lake City, Utah 84101

Instrument # 166190

DRIGGS, TETON, IDAHO

2005-02-02 02:31:26 No. of Pages: 3

Recorded for: HOLMGREN & MITTON

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy *[Signature]*

Index to: DEED, WARRANTY

SPACE ABOVE FOR RECORDER'S USE

WARRANTY DEED

FOR VALUE RECEIVED, DIN ENTERPRISES, LLC a Utah Limited Liability Company, by and through its Manager, Ila C. Neeley, of 2121 Scenic Drive, Salt Lake City, County of Salt Lake, State of Utah, the **Grantor**, does hereby grant, bargain, sell and convey unto WESTERN TETON DEVELOPMENT, LLC, an Idaho Limited Liability Company, C/O Clair Rood, 175 South West Temple, Ste 650, Salt Lake City, Utah 84101, the **Grantee**, all its interest in and to the following described premises located in Teton County, State of Idaho, to-wit:

NE 1/4 and SE 1/4 of Section 25, Township 5 North, Range 45 E.B.M., Teton County, Idaho; and NW 1/4 NW 1/4 of Section 30, Township 5 North, Range 46 E.B.M., Teton County, Idaho.

S1/2 SE1/4 Section 24, Township 5 North, Range 45 E.B.M.

Beginning at a point that is North 0°07'50" East, 1344.36 feet from the Southwest corner of the Southeast quarter of Section 25, Township 5 North, Range 45 E.B.M.; running thence North 44°07'23"E. 3768.4 feet to the intersection of fences North-South and West; thence North 1200 feet more or less to the NE corner of said section; thence West 2640 feet more or less to the Northwest corner of the Northeast Quarter of said section; thence South 3925 feet more or less to the point of beginning.

ALSO:

Beginning at the NW corner of Section 30, Township 5 North, Range 46 E.B.M., and running thence East 2105 feet more or less to the County Road right of way; thence South 100 feet; thence West 2105 feet more or less to the West line of said section; thence North 100 feet to the point of beginning.
Subject to the right of the grantors, their heirs and assigns, to use said

WARRANTY DEED

66190

property as a right of way and easement as a means of ingress and egress to the grantors' property adjoining this property on the North and South boundaries thereof, said right of way or easement not to be obstructed in any manner to prevent its use by the grantors, their heirs and assigns.

Subject to all water rights of every kind and nature appurtenant and belonging to all of the above described property.

Subject to all existing oil and gas leases.

TOGETHER WITH:

A sixty (60) foot wide road easement, beginning at the South 1/4 corner of Section 25, Township 5 North, Range 45 E.B.M., Teton County, Idaho and running North 36°58'46" E., 3896.56 feet to a two-inch pipe, the true point of beginning. Thence N 56°06'12" W., 608.15 feet; thence N 33°53'50" E., 60.0 feet, thence S 56°06'12" E., 608.15 feet; thence S 33°53'50" W, 60.0 feet to the true point of beginning.

SUBJECT TO:

A sixty foot (60ft) wide road and utility right-of-way running from existing County Road 100 North and Base line Road, East to the Ski Hill Road right-of-way, being further described as follows:

Beginning at the North 1/4 corner of Section 25, Township 5 North, Range 45 E.B.M., Teton County, Idaho, and running:

Thence North 30.00 feet;

Thence N 89°33'22" E, 2611.71 feet parallel to the North section line;

Thence S 00°19'51" W, 30.00 feet to the Northeast corner of Section 25;

Thence S 89°46'22" E, 2006.13 feet along the North line of Section 30 to the Ski Hill right-of-way;

Thence S 40°57'20" W. 55.42 feet along Ski Hill Road right-of-way;

Thence N 89°46'23" W. 1970.05 feet along the North line of Miller Ranch Subdivision;

Thence N 00°19'51" E, 12.00 feet;

Thence S 89°33'22" W, 2611.36 feet to the West section line of the Northeast quarter of said Section 25;

Thence North, 30.00 to the point of beginning.

The right-of-way contains 5.5 acres more or less.

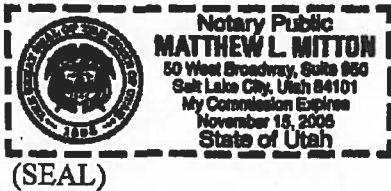
TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said grantee, WESTERN TETON DEVELOPMENT, LLC, an Idaho Limited Liability Company, its heirs and assigns forever. The said grantor does hereby covenant to and with the said grantee, that it is the owner in fee simple of said premises; that it is free from all encumbrances and it will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of February, 2005.

Ila C. Neeley
ILA C. NEELEY
Manager, DIN ENTERPRISES, LLC

STATE OF UTAH)
 SS
COUNTY OF SALT LAKE)

On this 1st day of February, 2005, before me, the undersigned Notary Public in and for said state, personally appeared Ila C. Neeley, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.



[Signature]
Notary Public
Residing at:
My Commission Expires:

Not sure what ground is claimed.

Please refer to Claim A224001 for
change of ownership and change of
address.

1/25/05

- It is hard to tell what ground is being
claimed, but I made a shape and came
up w/ close to the 89.0 acres claimed
for POH.

NT

Claim no. _____

Claimant Contact Log

Date **Remarks** **Agent initials**

Price Fairbanks Diversion

Water Right No(s). _____

GPS DATA:

Tag # ADP/3831 Location: Headgate

Diversion Data:

Source: Teton Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

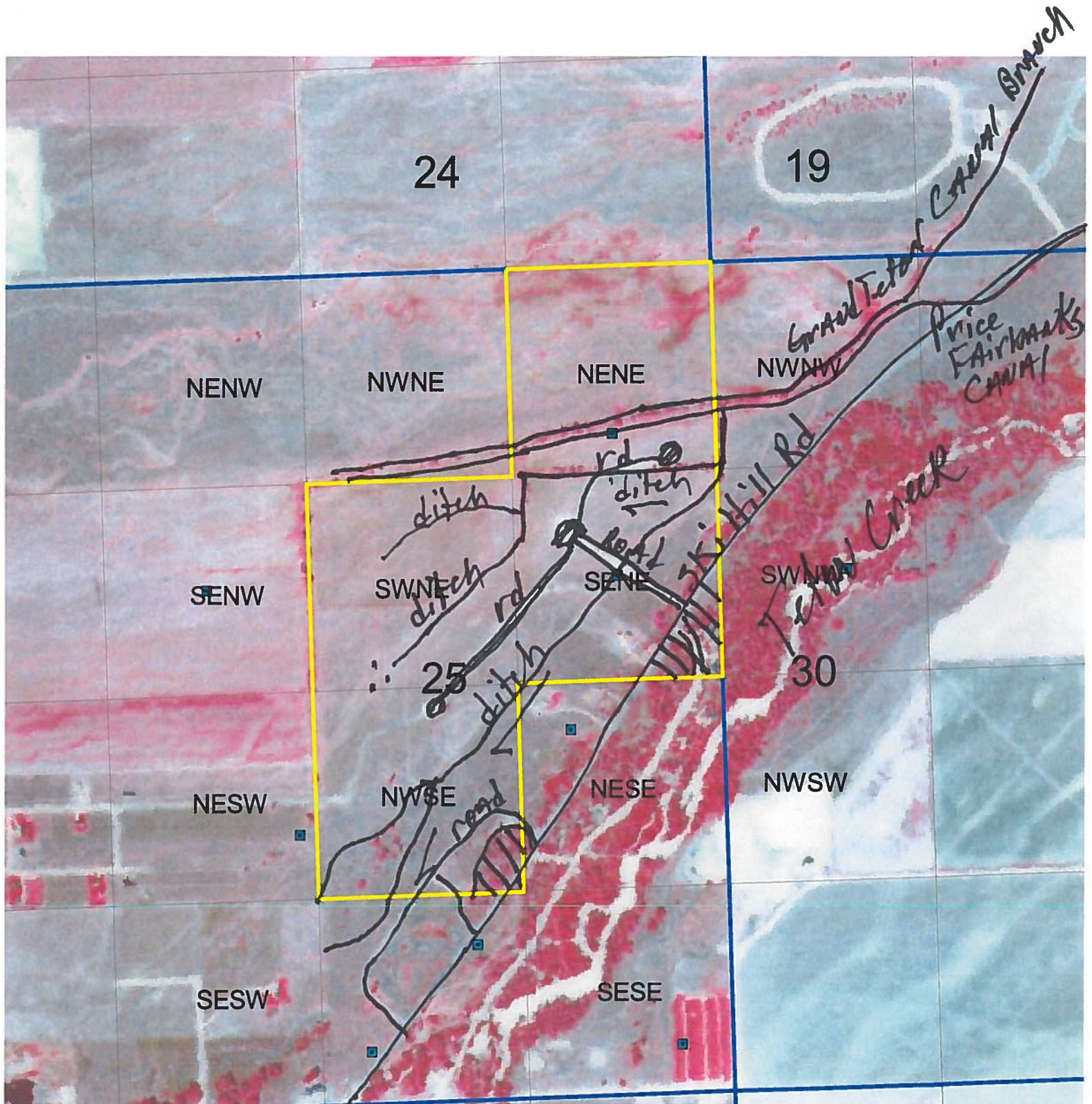
NOTES:

Price Fairbanks Canal conveys the
water to this claim,

Field Exam Date: _____ Agent: _____

22-249B

7/14/04
80



April 20, 1990

State of Idaho
Department of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho

Subject: Change of address - Snake River Adjudication - Identification
numbers A22-11578, A22-04001 and A22-00249B.

Gentlemen:

Please change the mailing address on the subject claims from:

Dean A. Neeley
48 Seaspray North
Laguna Niguel CA 92677

The new mailing address will be:

Dean A. Neeley
P.O. Box 712
Driggs, Idaho 83422

Yours truly,


Dean A. Neeley

RECEIVED

APR 23 1990

Department of Water Resources
Eastern District Office

MICROFILMED

NOV 04 1992

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: A22-00249B
Date Received: 9/29/1988
Receipt No: E002729
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAN A. NEELEY
Address: P.O BOX 712
DRIGGS, ID

83422

OR

Name: ILA NEELEY
Address: P.O BOX 712
DRIGGS, ID

83422

2. Date of Priority: JUN 01, 1899

3. Source: TETON CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	46E	19	SE	SE			TETON

5. Description of diverting works:

TWO 6' HEADGATES ON THE MAIN CANAL DIV. FROM CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.070		

7. Total Quantity Appropriated is:

2.070 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

178.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A22-00249B

Page 1

Date: 05/31/90

MICROFILMED
NOV 04 1992

A2200249B



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	45E	25	NE		NE		IRR	9.0
			SW		NE		IRR	40.0
			SE		NE		IRR	20.0
			NW		SE		IRR	20.0
							Section Acres	89.0
							Total Acres	89.0

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:

THIS SERVES THE COBBLECREST SUBDIVISION WHICH HAS 27 LOTS OWNED BY THE CLAIMANT. THERE IS ALSO FARM GROUND SERVED BY THIS CLAIM THE SUBDIVISION HAS 39.45 ACRES. THERE ARE ALSO TWO REDIVERSION POINTS OFF THE PRICE-FAIRBANKS CANAL IN THE NENE OF SECT 25 T05N R45E WHICH SERVE POU.

15. Basis of Claim: DECREED

Water Right Number: 220249

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIG. CO

Decree Plaintiff

vs

TETON IRRIG. CANAL

Decree Defendant

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A22-00249B
Date Received: 9/23/1988
Receipt No: E002729
Received By: HWJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAN A. NEELEY ~~714-495-2169~~
Address: ~~48 SEASPRAY N.~~
~~LAGUNA NIGUEL, CA 92677~~

OR
Name: ILA NEELEY
Address: ~~LAGUNA NIGUEL, CA 92677~~

2. Date of Priority: JUN 01, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	46E	19	SE	SE			TETON

5. Description of diverting works:
TWO 6' HEADGATES ON THE MAIN CANAL DIV. FROM CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.070		

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

8. Total consumptive use is 178.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	45E	25	NE		NE		IRR	9.0
			SW		NE		IRR	40.0
			SE		NE		IRR	20.0
			NW		SE		IRR	20.0
							Section Acres	89.0
							Total Acres	89.0

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:

THIS SERVES THE COBBLECREST SUBDIVISION WHICH HAS 27 LOTS OWNED BY THE CLAIMANT. THERE IS ALSO FARM GROUND SERVED BY THIS CLAIM THE SUBDIVISION HAS 39.45 ACRES. THERE ARE ALSO TWO REDIVERSION POINTS OFF THE PRICE-FAIRBANKS CANAL IN THE NENE OF SECT 25 T05N R45E WHICH SERVE POU.

15. Basis of Claim: DECREED
Water Right Number: 220249
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIG. CO
Decree Plaintiff

vs

TETON IRRIG. CANAL
Decree Defendant

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Paul G. Gentry* Date: Sept. 23, 1988
_____ Date: _____

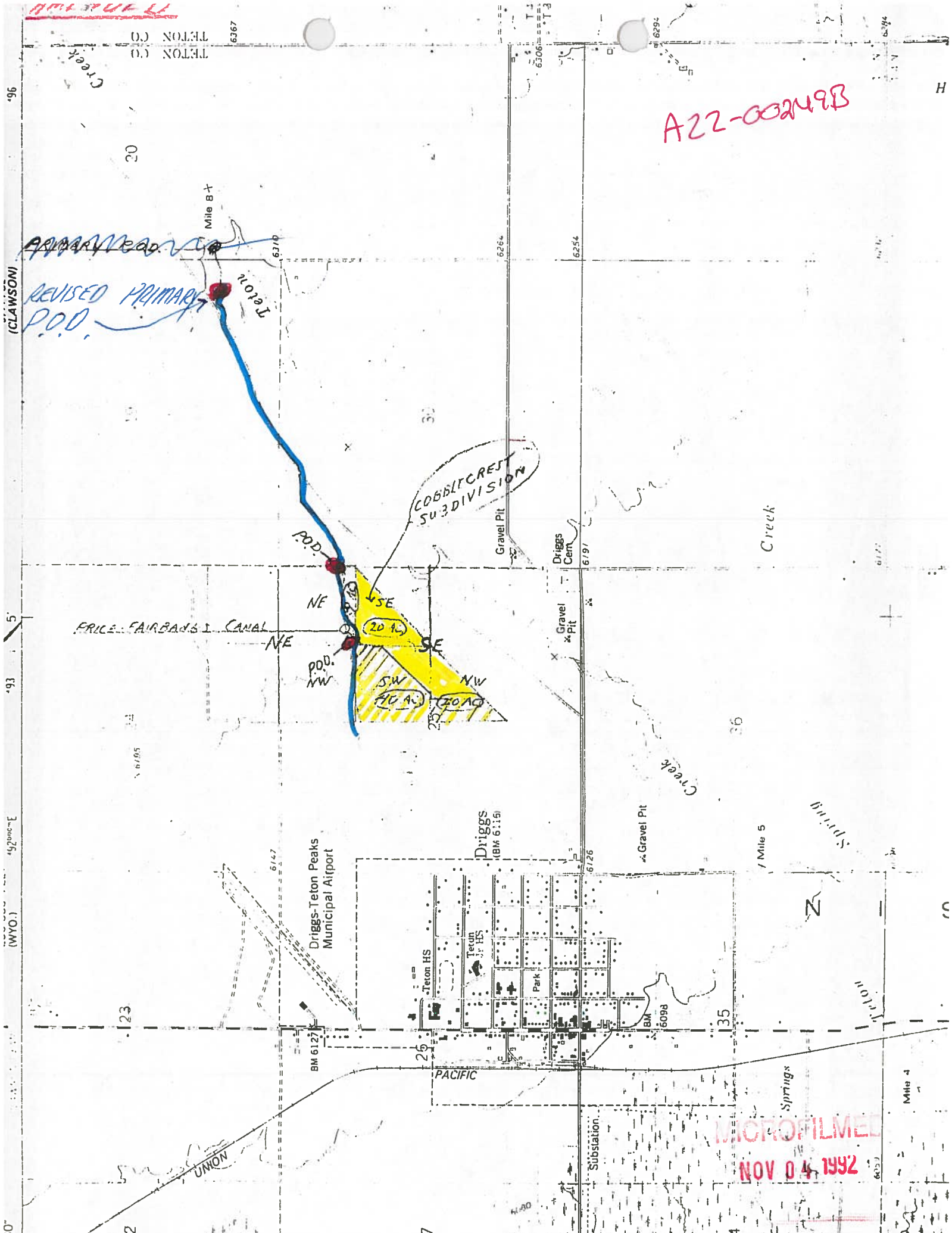
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of Sept 19 88

Paul G. Gentry
Notary Public



Residing at Idaho Falls
My Commission Expires 9-12-94



A22-00249B

REVISED PRIMARY
P.O.D.

COBBLECREST
SUBDIVISION

MICROFILMED
NOV 04 1992

