

10/10/2006

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

RIGHT NUMBER: 22-562B
NAME AND ADDRESS: JULIE STACEY
PO BOX 6775
JACKSON WY 83002

GEORGE STACEY
PO BOX 6775
JACKSON WY 83002

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:
T04N R46E S30 NWSENW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.100 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T04N R45E S26	SENE 9.00	
	9 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

Property is also known as Lots 5 & 6 Blk 3 Teton View Estates.

Use of this right is combined with water from Fox Creek Canal Co.

Water is delivered through Fox Creek Canal Co.

10/10/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-562B

JULIE STACEY
PO BOX 6775
JACKSON WY 83002
Telephone Number: (307)413-1815

GEORGE STACEY
PO BOX 6775
JACKSON WY 83002
Telephone Number: (307)413-1814

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12.7.06 SIGNATURE: Julie Martin-Stacey
Please print your name: Julie Martin-Stacey

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



Idaho Department of Water Resources

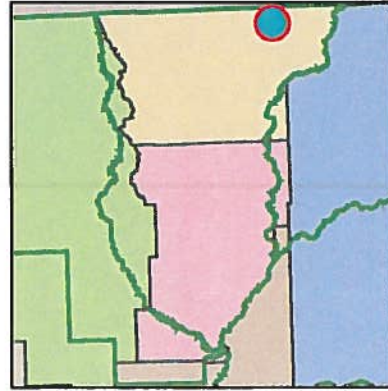
SRBA Recommendation:

22-562B

(Irrigation)

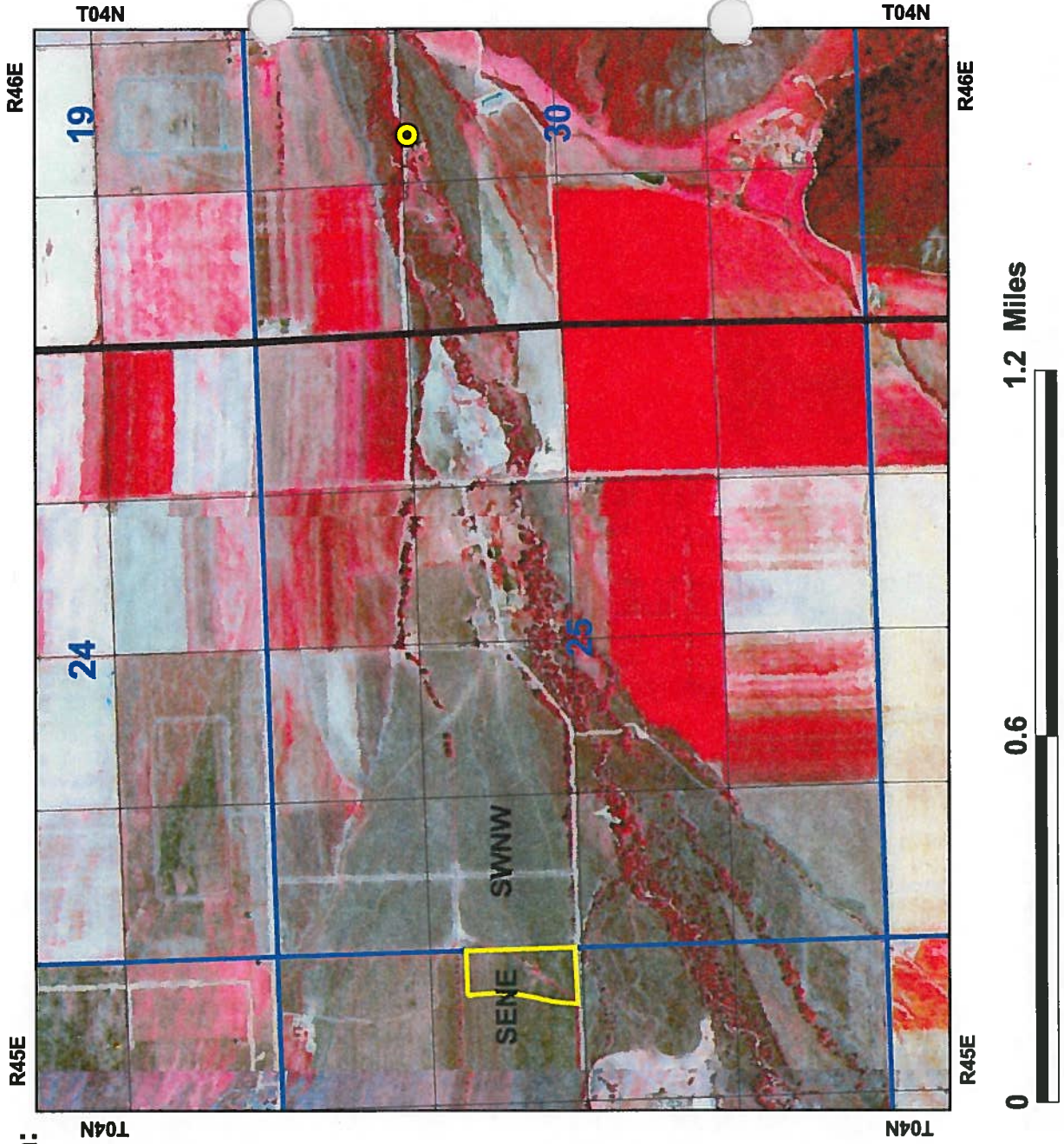
Legend

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

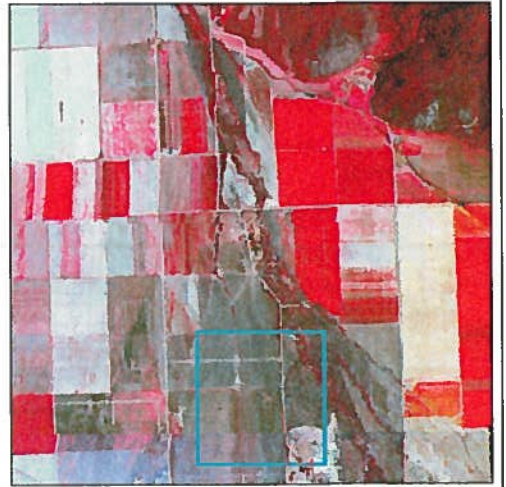
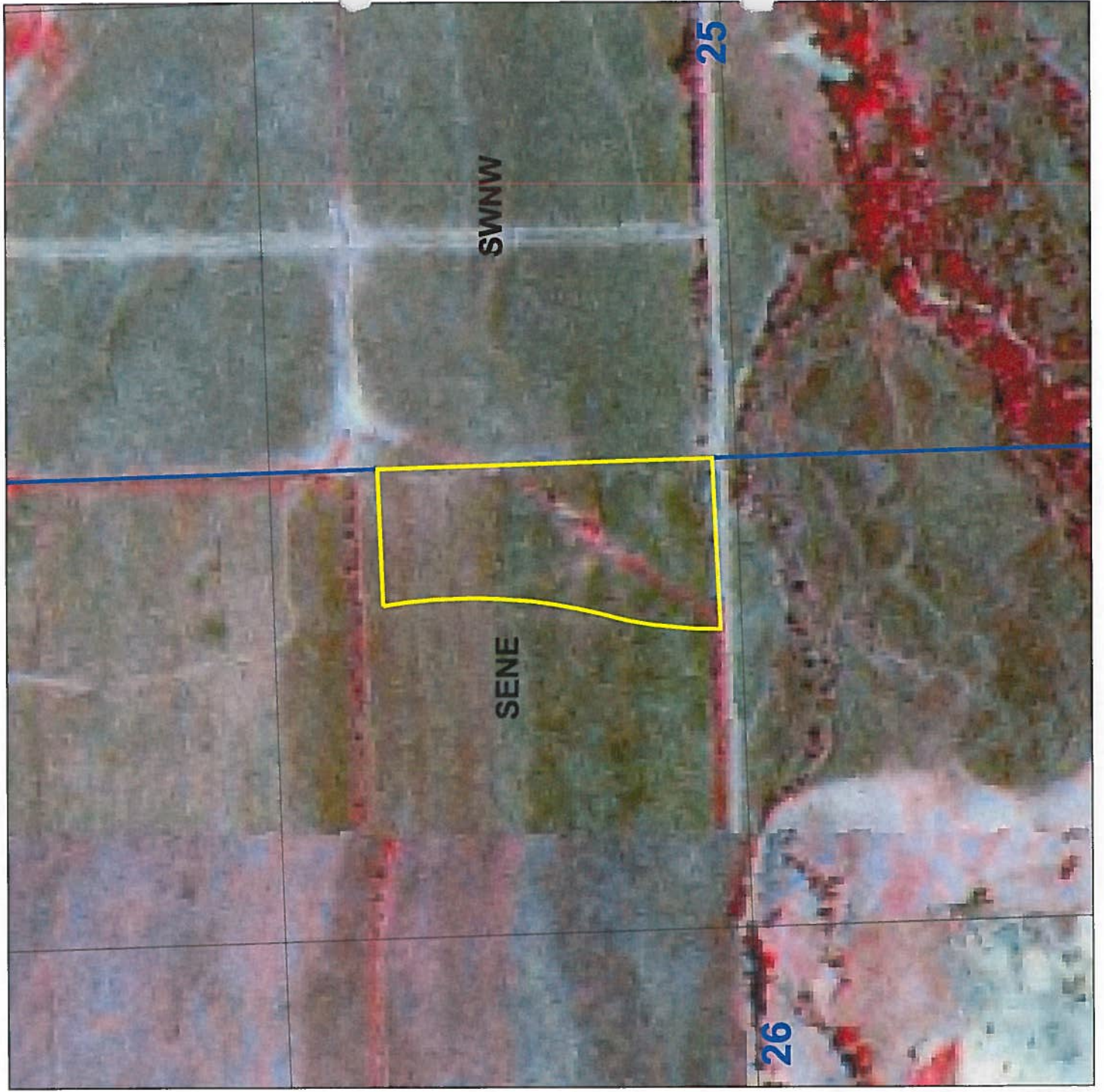


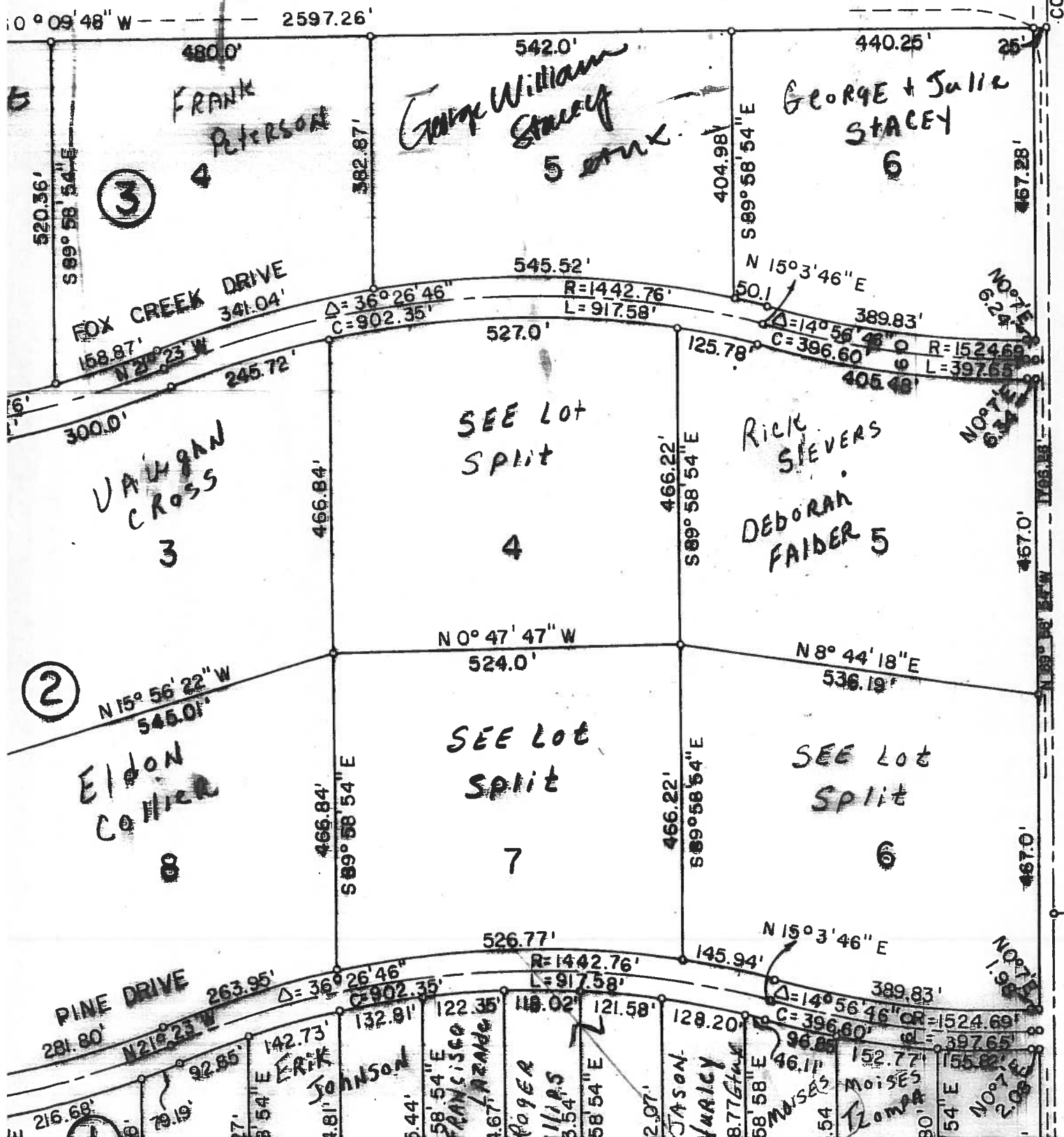
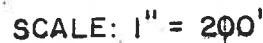
Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Tuesday, October 10, 2006
1987/88 Aerial Photography



22-562B





9/29/06 DD



Water Right No(s). _____

GPS DATA:

Tag # ADP12259 Location: North wing wall of Myers
headgate on Fox Creek

Diversion Data:

Source: Fox Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Field Exam Date: 9/29/06 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

9/29/06
DO

POD is Myers headgate which is a wooden gated or controlled concrete headgate that diverts water from Fox Creek into The Fox Creek canal.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

9/29/06
DO

Field exam showed that claim is irrigated with series of ditches. Claim is for 10 acres but for only 5". It appears that 5.6 acres can be irrigated via ditches in northern half of claim. Canal does run through this claim

Reviewer: _____ Date: _____



C R E A T I V E

FAX INFORMATION

Date: 5.19.06

To: Dept. of Water

Company:

From: G. William + Julie Stacey

Pages: 6 (including this one)

Phone:

Fax: 208.525.7177

RE: Property Ownership

Claim # 22-562-B

Hi,

This is a copy of our Title for the adjoining 5 acres of our property. We are applying for our water rights.

1st 5 acres title sent to you on 4.13.06
545 Fox Creek Drive, Victor ID

2nd 5 acres title attached
535 Fox Creek Drive, Victor ID

Claim # 22-562-B

Please let me know if you need anything else.

Thank you,

Julie M Stacey (307-413-1815-cell)

ALLIANCE

TITLE & ESCROW CORP.

P.O. Box 644 Driggs, ID 83422- (208) 354-2285 Fax no. (208) 354-2811

April 21, 2006

George William Stacey
P.O. Box 6775
Jackson, WY 83002

Re: Purchase of 535 Fox Creek Dr.
Victor, ID 83455

Dear Mr. and Mrs. George William Stacey,

At the request of Neil Johnson, we are pleased to introduce Alliance Title & Escrow Corp. as the Title Company chosen to close your Real Estate Purchase. For your convenience, we have enclosed a copy of your Title Insurance Commitment and a copy of any Covenants, Conditions and Restrictions, if applicable. You will be asked to sign that you have read and approved this information at the time of closing.

If you have any questions, please feel free to contact myself or my Assistant, at (208) 354-2285. Your file number is 3050614544CCJ, and should be referenced in any correspondence or phone calls to assure accurate assistance.

We look forward to meeting you at closing.

Sincerely,



Carla G. Jones
Escrow Officer

Enclosure(s)

AMERICAN LAND TITLE ASSOCIATION COMMITMENT — 1966

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A; as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

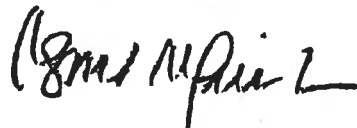
This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

ALLIANCE TITLE &
ESCROW CORP.
130 E. MAIN STREET
P.O. BOX 732
REXBURG, ID 83440
(208)356-9323
FAX NO. (208)356-9325

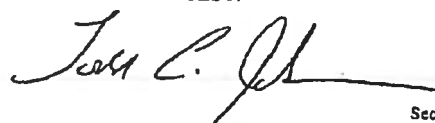
CHICAGO TITLE INSURANCE COMPANY

By:

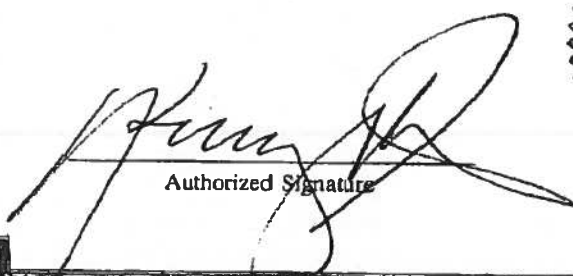


President

ATTEST:



Secretary


Authorized Signatory

COMMITMENT FOR TITLE INSURANCE

Order No: 3050614544KL

SCHEDULE A

1. Effective date: 4/10/2006 at 7:30 A.M.

2. Policy or Policies to be issued:

(a) ALTA Owner's Policy ☒ Standard Coverage ☐ Extended Coverage
Amount: \$150,000.00
Premium: \$755.00

Proposed Insured:

George William Stacey and Julie Martin-Stacey

(b) ALTA Loan Policy ☒ Standard Coverage ☐ Extended Coverage
Amount: \$120,000.00
Premium: \$75.00

(c) Endorsements: Amount: \$

Proposed Insured:

Jackson State Bank & Trust

3. The estate or interest in the land described or referred to in this commitment and covered herein is:
Fee Simple

4. Title to the estate or interest in said land is at the effective date hereof vested in:

The Kirk Family Trust, dated July 11, 2002

5. The land referred to in this Commitment is described as follows:

Lot 5 in Block 3 of Teton View Estates Division 1, Teton County, Idaho, as per the recorded plat thereof.

TETON VIEW ESTATES

IN
TETON COUNTY, IDAHO

PART OF

1/4 Sec. 26, T.4N., R.45E., S.1M.

FORBES, PLANNING & ASSOCIATES, P.A.
CONSULTING ENGINEERS
REMBURG, IDAHO

LEGEND:

Block Number

②

Lot Number

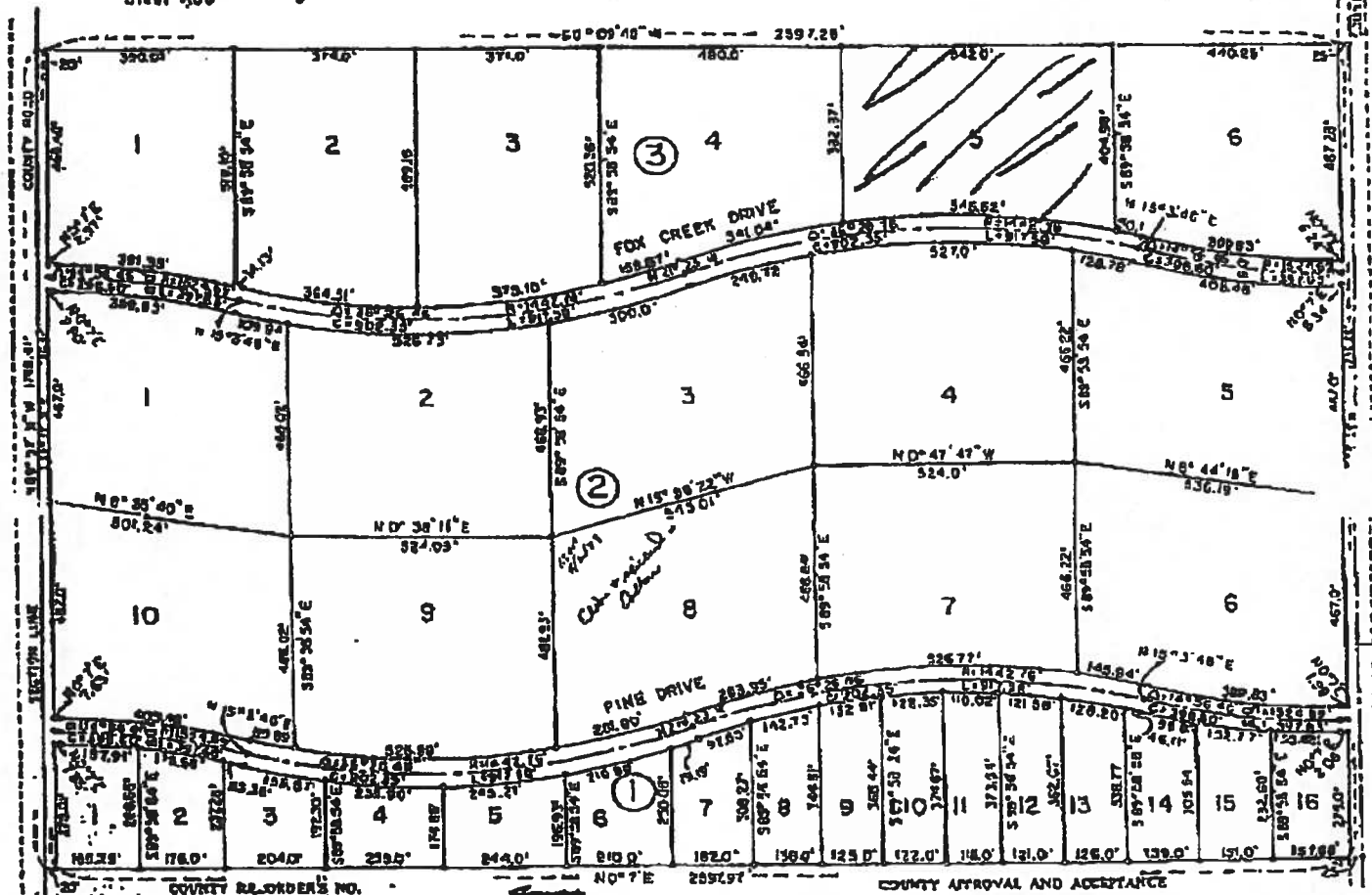
13

Steel Rod

•



SCALE: 1" = 200'



COUNTY REORDER NO.

NO. 7E

COUNTY APPROVAL AND ACCEPTANCE

Presented to the _____ County Board of County Commissioners on this _____ day of _____

A.D. 19 _____, at which time this plat was approved and accepted.

Attested _____

CITY COUNCIL APPROVAL AND ACCEPTANCE

Presented to the _____ City Council on this _____ day of _____, A.D. 19 _____, at which time this plat was approved and accepted.

Attested _____

1-753 P.04/07 F-780

208-266-8325

APR-20-06 01:00PM FROM-ALLIANCE TITLE REMBURG

Received Time May. 19. 1:48PM

COMMITMENT FOR TITLE INSURANCE

Order No.: 3050614544KL

SCHEDULE B - SECTION 1

The following are the Requirements to be complied with:

- A. Instrument(s) necessary to create the estate or interest or mortgage to be insured must be properly executed, delivered and duly filed for record.
1. A Deed from The Kirk Family Trust, dated July 11, 2002 to George William Stacey and Julie Martin-Stacey, Husband and Wife.
 2. A Deed of Trust (Mortgage) to secure the debt from George William Stacey and Julie Martin-Stacey, Husband and Wife to Jackson State Bank & Trust.
 3. If the title is to be insured in the trustee(s) of a trust, (or if their act is to be insured), this company will require a copy of the trust instrument creating said trust, and all amendments thereto, together with a written verification by all present trustees that the copy is the true and correct copy of the trust, as it may have been amended, that is in full force and effect and that it has not been revoked or terminated.

Note No.: 1: Taxes, including any assessments collected therewith, for the year shown below are paid.
Amount: \$12.22

Year: 2005.

Parcel No.: RP 000810030050 A.

Note No.: 2: In the event this transaction fails to close and this commitment is cancelled a fee will be charged complying with the state insurance code.

Note No.: 3: According to the available County Assessor's Office records, the purported address of said land is:

535 Fox Creek Dr., Victor, ID 83455

Note No.: 4: We would like to take this opportunity to thank you for your business, and inform you that your Title Officer is **Kathy Lords**, and your Escrow Officer is **Carla C Jones**.

This commitment is made further subject to the exceptions shown in Schedule B, Section 2 hereof.

~~1-0811~~ 31 0127

Uden, Ernest W.

75 inches. June 1, 1902. Southwest Fork of Elk Creek.

~~1-0811~~ 22 0562

Wall, J. B.

160 inches. June 1, 1896. Fox Creek.

~~1-0811~~ 22 0563

Wall, W. C.

120 inches. June 1, 1897. Fox Creek.

~~1-0811~~ 22 0564

Wall, W. C.

100 inches. June 1, 1897. Fox Creek.

~~1-0811~~ 22 0565

VanLeuven, William

160 inches. June 15, 1897. South Leigh Creek.

~~1-0811~~ 22 0566

Victor Townsite.

(To Mahum Curtis,

Davis Cheney and

Edwin Rice

Trustees.)

~~1-0811~~ 22 0567

Waddell, Mrs. L. E.

200 inches. Sept. 1, 1891. Teton Creek.

Wagstaff, A. J.

~~1-0811~~ 22 0568

Wait, F. A.

Wakeman, Herman

160 inches. May 25, 1898. Leigh Creek.

240 inches. July 1, 1886. Myers Creek.

Walker, F. E.

Wall, George L.

Wall, George L.

Wallace, H. A.

Walters, William

Parsons Ditch Company.

80 inches. Oct. 15, 1900. Wall Springs.

40 inches. Aug. 20, 1901. Tom Creek.

40 inches. Jan. 18, 1904. North Leigh Creek, or Spring Creek.

332 inches. Apr. 1, 1898. Toton River (Stewart & Walters ditch).

Trude, W. S.
and D. P.

E $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$,
and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 33, T. 13, N.,
R 42 E. B. M.

Twin Grove Canal
and Irrigation
Company, The

20,000 acres of land belonging to the stock-
holders and patrons of said company, the
description of said land and the names
of said stockholders and patrons not
being given in the pleadings of said
company.

Twin Grove Irrig-
ation Company.

Lands of stockholders of said company, the de-
scription of said lands and the names of
said stockholders not being given in the
pleadings of said company.

Uden, Ernest W.

SW $\frac{1}{4}$ of Sec. 14, T. 13, N. R., 43 E., B. M.,

V.

Vail, H. J.

W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 25, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of
Sec. 26, T. 4 N., R., 45 E. B. M., contain-
ing 160 acres.

Vail, J. R.

NE $\frac{1}{4}$ of Sec. 26, T. 4 N. R., 45 E. B. M.,
containing 160 acres.

Vail, W. C.

SE $\frac{1}{4}$ of Sec. 20, T. 4 N., R., 45 E., B. M.,
containing 160 acres.

Vail, W. J.

SE $\frac{1}{4}$ of Sec. 20, T. 4 N. R., 45 E., B. M.,
containing 160 acres.

Vance, James S. NW $\frac{1}{4}$ of Sec. 4, T. 3 N. R., 38 E. B. M., con-
taining 160 acres.

Vance, L. A.

N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 28, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec.
29, T. 3, N. R., 38 E. B. M., containing
160 acres.

Vanlouven, William

E $\frac{1}{2}$ of SE $\frac{1}{4}$ and Lots 6 and 7 of Sec. 6, T. 5-45
Sec. 12, T. 5 N., R., 44 E., B. M.



C R E A T I V E

FAX INFORMATION

Date: 4.13.06

To: Dept of Water

Company:

From: G. William & Julie Stacy

Pages: 4 (including this one)

Phone:

Fax: 208.525.7177

RE: Property Ownership

Claim # 22-562-B

Hi,

Attached is a copy of our title & Warranty Deed. We are applying for our water rights. Please let me know if you need anything else.

Thank you!

Julie Martin Stacy

Claim # 22-562-B



Post Office Box 7468, Jackson Hole, Wyoming 83002

PHONE: 307-733-3450 FAX: 307-733-7698

Received Time Apr. 13. 11:03AM

WARRANTY DEED

RECEIVED

JUL 19 2005

TETON COUNTY
CLERK RECORDS

Order No.: 3050513722-H

FOR VALUE RECEIVED

550 South 6 West Trust - c/o Soul Shine Inc., Trustee,

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

George William Stacey and Julie Martin-Stacey, Husband and Wife

whose current address is PO Box 6775, Jackson WY 83002

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Lot 6 in Block 3 of Teton View Estates, Teton County, Idaho, as per the recorded plat thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/16/2005

550 South 6 West Trust - c/o Soul Shine Inc., Trustee

By: Mamta Shah
As President of Soul Shine Inc.,
Trustee of 550 South 6 West Trust

Instrument # 169523

DEEDS, TETON, IDAHO

2005-07-18 08:55:17 No. of Pages: 1

Recorded for: ALLIANCE TITLE & ESCROW

RENEE BOYLE

Ex-Officio Recorder Deputy Fee: \$3.00

State of Colorado }
County of Jefferson } ss.

On this 18 day of July, 2005, before me, a Notary Public in and for said state, personally appeared Mamta Shah known to me to be the President of the Soul Shine Inc., Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, she executed the foregoing in said Corporation name as Trustee of the 550 South 6 West Trust

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

Notary Public for the State of Colorado
Residing at: Lakewood, CO
Commission Expires: 5/12/2006

State of Idaho

County of

On this day of, in the year 20 before me, a Notary Public in and for said state, personally appeared

known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that executed the same.

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

Notary Public for the State of Idaho
Residing at:
Commission Expires:

AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY
(10-17-92)

Policy No. 72106- 1241352

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

ALLIANCE TITLE &
ESCROW CORP.
130 E. MAIN STREET
P.O. BOX 732
REXBURG, ID 83440
(208)356-9323
FAX NO. (208)356-9325

CHICAGO TITLE INSURANCE COMPANY

By:

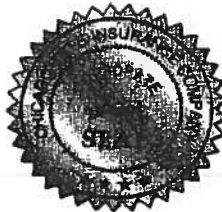


President

ATTEST:



Secretary



ALLIANCE

TITLE & ESCROW CORP.

130 E. Main St., Rexburg, ID 83440-, Phone (208) 356-9323 Fax (208) 356-9325

To: **George Stacey**
PO Box 6775
Jackson, WY 83002

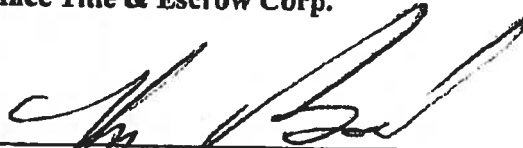
Order No.: **3050513722-H**
Date: **July 30, 2005**
Reference:

In connection with the above transaction, we enclose:

- X Policy of Title Insurance No. 72106-1241352
- X Warranty Deed No. 169523

Thank you for giving us the opportunity of serving you!

Alliance Title & Escrow Corp.

By: 

Henry Benavidez

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 22-562B
Date Received: 4/7/2006
Receipt No: **E 031766**
Received By: **KCW**

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JULIE STACEY Phone: (307)413-1815
PO BOX 6775
JACKSON WY USA 83002

GEORGE STACEY Phone: (307)413-1814
PO BOX 6775
JACKSON WY USA 83002

2. Date of Priority: 06/01/1896

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	46E	30	SW NE NW	TETON	

5. Description of diverting works:

Headgate of Fox Creek Canal Co.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.1	

7. Total Quantity Appropriated is:
0.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	45E	26	SE NE	IRRIGATION	10
Section Acres					10
Total Acres					10

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:

14. Remarks:

Water is delivered through Fox Creek Canal Co.

Property is also known as Lots 5 & 6 Blk 3 Teton View Estates.

Use of this right is combined with water from Fox Creek Canal Co.

15. Basis of Claim: Decreed

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): [Signature] Date: 4/7/06

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th

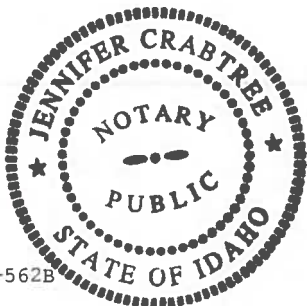
of April 2006

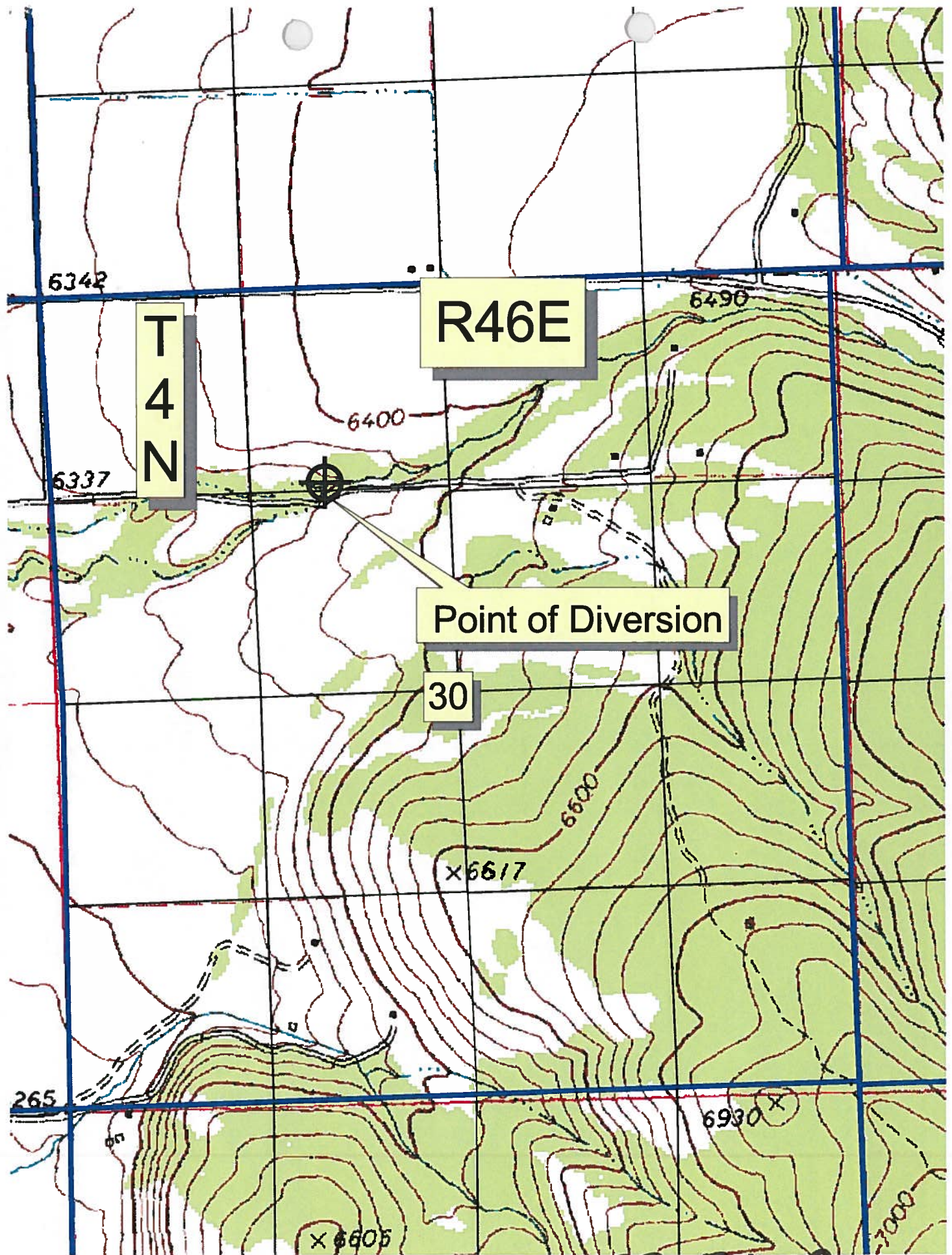
Jennifer Crabtree

Notary Public

Residing at Idaho Falls, Id

My commission Expires 9/23/09





22-562B

T
4
N

R45E

Place of Use

26

9.6

22-562 B