

11/02/2006

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

RIGHT NUMBER: 22-7228A

NAME AND ADDRESS: TETON HIGHLANDS LLC
721 S 450 WEST
VICTOR ID 83455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.280 CFS
467.00 AFY

PRIORITY DATE: 04/25/1977

POINT OF DIVERSION: T04N R45E S17 NWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.280 CFS 467.00 AFY
The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S17	SWNW	40.00	T04N R45E S17	SENW	40.00
T04N R45E S17	NESW	40.00	T04N R45E S17	NWSW	39.00
159 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 - License

11/02/2006

**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: 22-7228A

TETON HIGHLANDS LLC

721 S 450 WEST

VICTOR ID 83455

Telephone Number: (208)313-2713

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:

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

DATE:

Dec 5-06

SIGNATURE:

[Signature]

Please print your name:

LARRY KUNZ

MEMBER

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

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

KMT
12/06

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
~~7228~~	22-7228 A	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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) Teton Rainbow Ranches, Inc
665 S 450W Victor, Idaho, 83455
4. New Owner/Claimant(s) Teton Highlands LLC
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 721 S. 450 W.
- City, State and ZIP Code VICTOR, IDAHO 83455
- New Telephone Number 208-313-2713
5. Date you acquired the property JAN 16th 06

RECEIVED

JUL 31 2006

Department of Water Resources
 Eastern Region

FEB 27 2006

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

146637

Teton Rainbow Ranches, Inc., an Idaho Corporation, 665 South 450 West, Victor, Idaho 83455, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Teton Highlands LLC, an Idaho limited liability company, 721 South 450 West, Victor, Idaho 83455, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the following described property situated in Teton County, Idaho:

Parcel 1 (approximately 80 acres)

The N½ SW¼, Section 17, T 4 N, R 45 East of the Boise Meridian, Teton County, Idaho.

Parcel 2 (approximately 40 acres)

Southeast Quarter of the Northwest Quarter and the East four rods of the Southwest Quarter of the Northwest Quarter, Section 17, Township 4 North, Range 45, East of the Boise Meridian, Teton County, Idaho.

Parcel 3 (approximately 40 acres)

The Southwest Quarter of the Northwest Quarter less the East four (4) Rods of said Southwest Quarter of the Northwest Quarter, Section 17, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho.

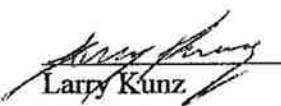
TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

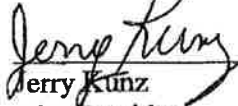
SUBJECT to existing liens and encumbrances and all existing patent reservations, easements, rights of way, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations apparent or of record.

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this ____ day of February, 2006.

GRANTOR: TETON RAINBOW RANCHES, INC.


Larry Kunz
President

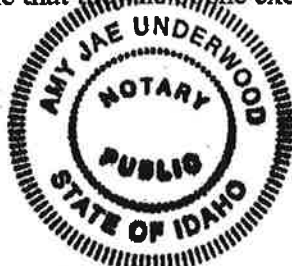

Jerry Kunz
Vice President


Terrie Kunz
Secretary


Charlotte Kunz
CK

State of Idaho)
)ss.
County of Teton)

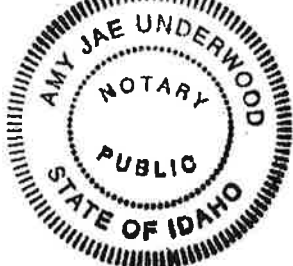
On the 24th day of February, 2006, before me personally appeared Larry Kunz and Charlott Kunz, witnesses, known to me to be the person(s) whose name(s) are/is subscribed to the foregoing document, and acknowledged to me that they/he or she executed the same.



Amy Jae Underwood
Notary Public
My Commission Expires: 9/15/09

State of Idaho)
)ss.
County of Teton)

On the 24th day of February, 2006, before me personally appeared Terry Kunz and Terrie Kunz, witnesses, known to me to be the person(s) whose name(s) are/is subscribed to the foregoing document, and acknowledged to me that they/he or she executed the same.



Amy Jae Underwood
Notary Public
My Commission Expires: 9/15/09

State of Idaho)
)ss.
County of Teton)

On the ____ day of February, 2006, before me personally appeared _____ and _____, witnesses, known to me to be the person(s) whose name(s) are/is subscribed to the foregoing document, and acknowledged to me that they/he or she executed the same.

Notary Public
My Commission Expires: _____



Idaho Department of Water Resources

Adjudication Claim:

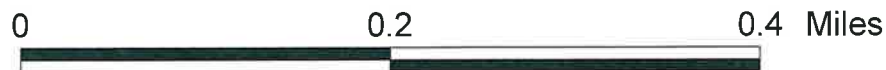
22-7228A

Legend

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



Teton County
IDWR Basin 22



Prepared by D. Carlson
On Wednesday, April 26, 2006
1987/88 Aerial Photography

State of
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7228 Priority April 25, 1977 Amount 1.59 cfs

THIS IS TO CERTIFY, that Merle Kunz, Duane H. Kunz, Darrell Kunz, Clarence Kunz & Edwin Schiess of Victor, Idaho, has complied with the terms and conditions of Permit No. 22-7228 issued pursuant to Application for Permit dated April 25, 1977 and has submitted proof to the Department of Water Resources on May 26, 1982 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.59 cfs of water from a groundwater source tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>October 15</u>	at <u>1.59</u> cfs and	<u>577.1</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.59 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 577.1 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Twp 4N, Rge 45E in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	45E	17							40	40	40	39							159
		18															39		39

Total number of acres irrigated 198

(A) 1.28
(B) .31

~~556.5~~

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12TH day of SEPTEMBER, 19 84.

Acting for the Director Norman C. Young

1.28 cfs
184 day
1.9835

467. AF
this right

22-7228A





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

DEC 17 1998

Department of Water Resources
Eastern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 5, 1998

TETON RAINBOW RANCH INC
665 S 450 W
VICTOR ID 83455-5057

12-9-98
J. R. M. S. L.
-P

Re: Snake River Basin Adjudication (SRBA)
Water Right #A22-00154, A22-00155, A22-00420A, A22-00472,
A22-02296B, A22-02296C, A22-02296D, A22-07228A,
A22-10343, 22-10350, 22-10351, 22-10352 & 22-10354
Change of Address

Dear Claimant:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by November 20, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

to sender ↓ fee due 50 ↓

OF POSTAGE, \$300

22/0350
✓ 10351
✓ 10352

A22-0015A
✓ -00155
✓ -00472
✓ -07229A
✓ -10343
✓ -0.0 420A
✓ -02296C
-02296D
-02296B

U.S. POSTAL SERVICE
PS FORM 3547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1368 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0898

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



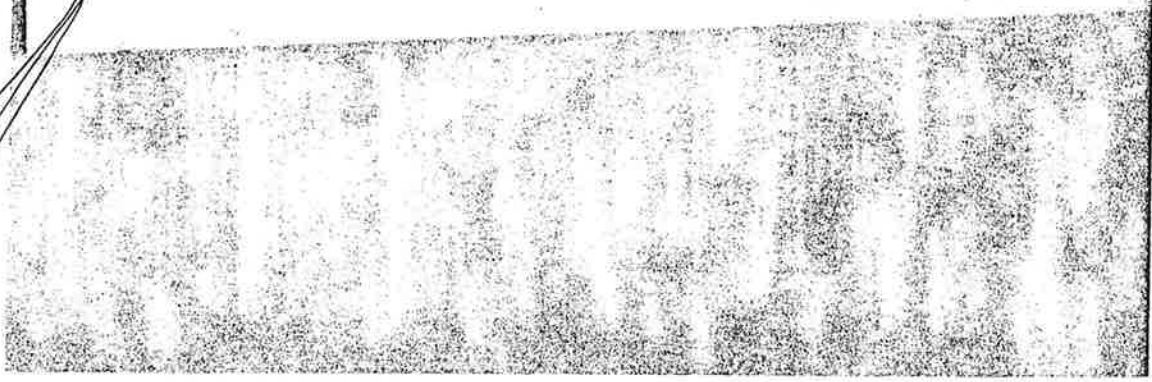
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

IMPORTANT WATER RIGHT INFORMATION

Teto 613

22-10354 ✓
TETON RAINBOW RANCH INC
450 W 749 S
VICTOR ID 83455

TET0613 834553008 1A97 05 09/03/98
TETON RAINBOW RANCH
FORM 3547
VICTOR ID 83455-3057



RECEIVED

JUL 20 2004

Department of Water Resources
Eastern Region

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-mail: blennon@rigby-thatcher.com

July 19, 2004

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402

**RE: Water Right Claim 22-7228A
Teton Rainbow Ranch Inc.
450 W. 749 S.
Victor ID 83455**

4N456

Dear Mr. Ruberry,

In behalf of Teton Rainbow Ranch Inc., I am responding to your letter to that corporation dated May 12, 2004, wherein you ask for evidence of priority for the above numbered water right. I submit herewith a copy of Water Right License for said water right number 22-7228, issued to Merle Kunz, Duane H. Kunz, Darrell Kunz, Clarence Kunz & Edwin Schiess, on September 12, 1984 by the Idaho Department of Water Resources, which shows the priority date of April 25, 1977.

Darrell Kunz and his wife Dorothy Kunz, Clarence Kunz and his wife Genevieve Kunz, and Jerry Kunz, and Larry Kunz formed a corporation called Teton Rainbow Ranch Inc., on March 1, 1978, and their portion of the water right described above was transferred with land owned by them, to said corporation. Darrell, Dorothy and Clarence are now dead and Larry and Jerry own all their interest in the land, water right and capital stock of said corporation and are purchasing the interest of Genevieve Kunz, who has transferred her title to Larry and Jerry. The records of the IDWR will show the division of said license and that water right number 22-7228A belongs to said corporation. Therefore the priority date from the said original license should be valid for water right 22-7228A.

F:\WP6\DK\KUNZWATE.LTR

SCANNED

JUL 27 2004

PROFILED

If you desire additional information or that information from this letter become a part of an affidavit, would you please let me know. I have represented these families and this corporation for a long while and I can verify the statements made in this letter.

Sincerely,



Ray W. Rigby
RWR/bml

enclosures

cc. Teton Rainbow Ranch Inc.

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: A22-07228A
Date Received: 7/28/1988
Receipt No: E000943
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TETON RAINBOW RANCH INC. 208-787-2449
Address: 450 WEST 749 SOUTH
VICTOR, ID 83455

2. Date of Priority: APR 25, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	17	NW	SW			TETON

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.280		

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

8. Total consumptive use is 318.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	17	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

A22-07228A

Page 1

Date: 07/28/88

REPROFILMED

OCT 29 1992

A2207228A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	17	NW	SW		IRR	39.0
Section Acres							159.0
Total Acres							159.0

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:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 1 -

For Organizations:

I do solemnly swear or affirm that I am Pres. _____ of _____ Title

Teton Rainbow Ranch _____, that I have signed the foregoing Organization
document in the space below as Pres. _____ of _____ Title

Teton Rainbow Ranch _____ and that the statements contained in the Organization
foregoing document are true and correct.

James K. King
Signature of Authorized Agent

Pres. Teton Rainbow Ranch
Title and Organization

July 28 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of July 19 88

Seal

Betty J. Thompson
Notary Public

Residing at Gloda Falls

My Commission Expires 6-94

G-11

T-4
F-11

T 4 NORTH

R. 45 EAST

WELL & PUMP

MICROFILMED

OCT 29 1992

CLAIM NO.
A22-01228A

Hansen NOT TO SCALE

G-12