

08/01/2006

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

RIGHT NUMBER: 22-13337

NAME AND ADDRESS: LAVELL H JOHNSON
123 N 100 W
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 10/31/1903

POINT OF DIVERSION:

T05N R46E S20 SENWNE Lot 1 Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.400 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S22

SENE

40.00

T05N R45E S23

SWNW

40.00

T05N R45E S23

NWSW

40.00

120 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 22-00198.

Water is delivered through Central Teton Canal.

12/22/2004

**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: 22-13337

LAVELL H JOHNSON

123 N 100 W

DRIGGS ID 83422

Telephone Number: (208)354-2471

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: ~~12-11-06~~

SIGNATURE: Lavell H Johnson

Please print your name: Lavell H. Johnson

12-11-06

IDWR Regional Office,



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

March 11, 2008

TETON LAND LLC

97 N HWY 33

DRIGGS ID 83424

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: Notice of Change of Water Right Ownership (NCO) for 22-13337 and Notice of Completed Administrative Proceeding (NCAP)

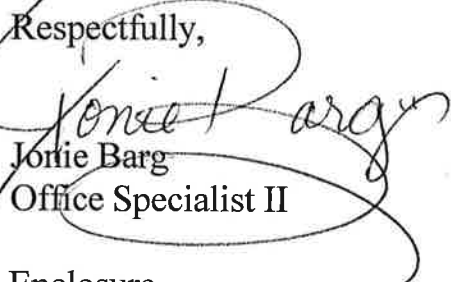
Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jorie Barg
Office Specialist II

Enclosure

cc: Lavell Johnson

SCANNED

MAR 14 2008

In Re SRBA	)	Water Rights: 22-13337
	)	
Case No. 39576	)	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

☐ Address change

☒ Substitution of Party JOHNSON-TETON LAND LLC

☐ I.C. § 42-222 transfer

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.

DATED: 3-11-08

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 14, 2008, 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:
Lavell Johnson
123 N 100 W
Driggs ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Teton Land LLC
97 N Hwy 33
Driggs ID 83424

4. One copy to:

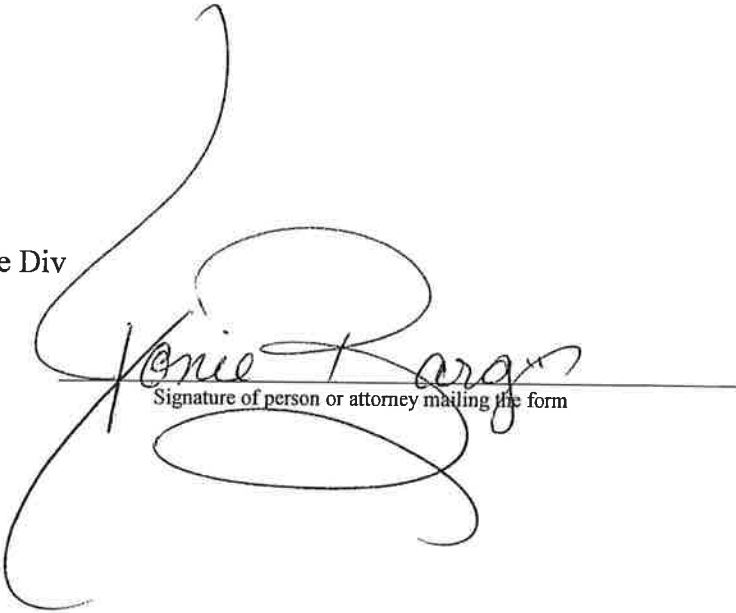
Each party in the subcase, or attorney of record

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

FILED
MAR 14 2008

03/11/2008

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

RIGHT NUMBER: 22-13337

NAME AND ADDRESS: TETON LAND LLC
97 N HWY 33
DRIGGS ID 83424

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 10/31/1903

POINT OF
DIVERSION: T05N R46E S20 SENWNE Lot 1 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	2.400 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S22	SENE	40.00	T05N R45E S23	SWNW	40.00
T05N R45E S23	NWSW	40.00			

120 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 22-00198.

Water is delivered through Central Teton Canal.

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-13337	Adj. Request				
	\$25.00				
22-12015	WR - WR completed				
	3-11-08				
	JB				
	Refund				
	Check for \$100.00				
	Sent 2-25-08				
	JB				
	OK				

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

- The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.
- 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 on file with the county Planning and Zoning or Recorder's Office).
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 or equivalent **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)

LAVILL H. Johnson

Driggs 83424

4. New Owner/Claimant(s)

Teton Land C.L.C.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

97 N. Hwy 33 83424

City, State and ZIP Code

Driggs Idaho 83424

New Telephone Number

(208) 354-9660 Email:

5. Date you acquired the property

21 Nov. 2007

RECEIVED
FEB 22 2008

Department of Water Resources
Eastern Region

MAILED

MAR 14 2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) Young H. Walker POA (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Receipted by [Signature]
 Processed by AJ

Date 2-22-08
 Date 2-22-08
 Date

Receipt Amt. 100.00
 Receipt No. E033787
 WR Date

SCANNED
 MAR 14 2008

LIMITED POWER OF ATTORNEY

TETON LANDS, LLC, WILLIAM E. REID, CEO, of 97 North Highway 33, Driggs, Idaho 83422, designate and appoint HARVEY WALKER of 2338 North 2930 West, Arco, ID 83213, as our attorney in fact and agent (subsequently called "agent") to act in our name and for our benefit. We grant to our agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

Specific Powers

Our agent shall have and may exercise the following specific power:

- a. To handle all affairs and do all that needs done, including signing of documents, pertaining to water rights, wells and all water issues.

Revocability

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

Interpretation

This instrument is to be construed and interpreted as a limited power of attorney.

Disability of Principal

This Limited Power of Attorney shall not be affected by disability of the principal.

Third-Party Reliance

GRANT DEED

232105 - T

THIS INDENTURE is made this 21st day of November, 2007, between LAVELL H. JOHNSON of Driggs, County of Teton, State of Idaho, the "Grantor", and TETON LAND, LLC, an Idaho Limited Liability Company, whose mailing address is P.O. Box 51298, Idaho Falls, ID 83405, 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 the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

Tract 1:

Parcel 1:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho:
Section 22: S $\frac{1}{2}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$

Parcel 2:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho:
Section 22: E $\frac{1}{2}$ of the NE $\frac{1}{4}$

Tract 2:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho:
Section 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Tract 3:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho:
Section 23: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH all water rights appurtenant thereto.

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

Instrument # 193445

TETON COUNTY, IDAHO

2007-11-21 02:49:00 No. of Pages: 3

Recorded for: FIRST AMERICAN

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Fee: 9.00

[Signature]

RECORDED
NOV 21 2007

SUBJECT TO the following:

1. Reservations in United States Patent, recorded in book 6, Page 43.
(Tract 1)
2. Reservations in United States Patent, recorded in Book 6, Page 44.
(Tract 1 and 2)
3. Reservations in United States Patent, recorded in Book 6, Page 201.
(Tract 3)
4. Easement for ingress and egress granted to Lavell H. Johnson, Elaine L. Johnson, Lowell B. Curtis, Julina Curtis, Daniel J. Letham, and Wanda W. Letham, recorded October 20, 1986, as Instrument No. 99708.

Power Line Agreement granted to Fall River Rural Electric Cooperative related to said easement, recorded June 18, 2007, Recorder's No. 188633. (Tract 1 and 2)

5. Subject to a Quitclaim Deed from Union Pacific Railroad Company to Union Pacific Land Resources Corporation, recorded August 24, 1987, Recorder's No. 101265, wherein Union Pacific Railroad Company quitclaimed to Union Pacific Land Resources Corporation all of its right, title, and interest in and to all minerals and mineral rights in the one-time railroad property. (Tract 1 and 3)
6. County Road and Utility Easement along the Eastern Property line.
(Tract 1 and 2)
7. County Road and Utility Easement along the Western Property line.
(Tract 3)
8. Irrigation Ditches over and across the above described property.
(Tract 2 and 3)
9. Easement for Ditch right-of-way granted to Lowell Curtis, recorded November 20, 2000, as Instrument No. 140242. (Tract 3)

ALSO SUBJECT TO all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

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

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Lavell H. Johnson, Grantor

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 21st day of November, 2007, before me, the undersigned notary public in and for said State, personally appeared LAVELL H. JOHNSON, known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that he executed the same.

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





Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: ~~11/12/10~~
07-17-2008

G:\WPDATA\REF3757\Lavell 6M,Deed,wpd:jh

RECORDED
11/14/07

GRANT DEED

232046-T

THIS INDENTURE is made this 21st day of November, 2007, between LAVELL H. JOHNSON of Driggs, County of Teton, State of Idaho, the "Grantor", and TETON LAND, LLC, an Idaho limited liability company, whose mailing address is P.O. Box 51298, Idaho Falls, ID 83405, 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 the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.
Section 14: SE1/4 SW 1/4

TOGETHER WITH all water rights appurtenant thereto.

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

SUBJECT TO the following:

1. Right-of-way deed executed by Ellis D. Seymour, to the State of Idaho, for public highway, recorded August 8, 1935 in Book 62, Page 538, official records of Teton County, Idaho.
2. Irrigation Ditch over and across the above described property.

ALSO SUBJECT TO all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

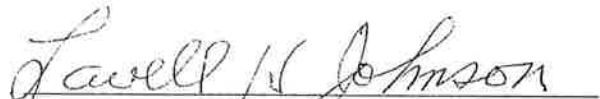
TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

Instrument # 193444
TETON COUNTY, IDAHO
2007-11-21 02:49:00 No. of Pages: 2
Recorded for : FIRST AMERICAN
MARY LOU HANSEN
Ex-Officio Recorder Deputy
Index to: DEED, GRANT
Fee: 6.00

SCANNED
MAR 14 2008

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

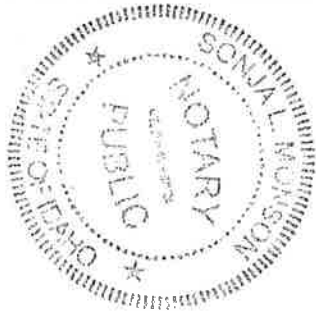
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Lavell H. Johnson, Grantor

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 21st day of November, 2007, before me, the undersigned notary public in and for said State, personally appeared LAVELL H. JOHNSON, known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that he executed the same.

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




Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 07-17-2008

G:\WPDATA\REF\3757\Lavell IM.Deed.wpd;jh



05N45E23NNWNE

05N45E23SWNE

05N45E23NNWSE

05N45E23SWSE

05N45E23NNENW

05N45E23SENW

05N45E23NESW

05N45E23SESW

05N45E23NNWNW

05N45E23SNNW

05N45E23NNWSW

05N45E23SWSW

05N45E22NENE

05N45E22SENE

05N45E22NESE

05N45E22SESE

05N45E22NNWNE

05N45E22SNNWNE

05N45E22NNWSE

05N45E22SNNWSE

05N45E22NNWNW

05N45E22SNNWNW

05N45E22NNWSW

05N45E22SNNWSW

SCANNED
MAR 11 2008



APR 21 2005
SCANNED
ROUTED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-13337

Point(s) of Diversion:
T5N, R45E
Sec. 20 SENWNE (L1)

Place of Use: (parts of)
T5N, R45E Sec. 22 SENE,
Sec. 23 SWNW, NWSW

Delivery through the (Old)
Central Teton Canal ditch

LEGEND



Point of Diversion

SESE

Place of Use



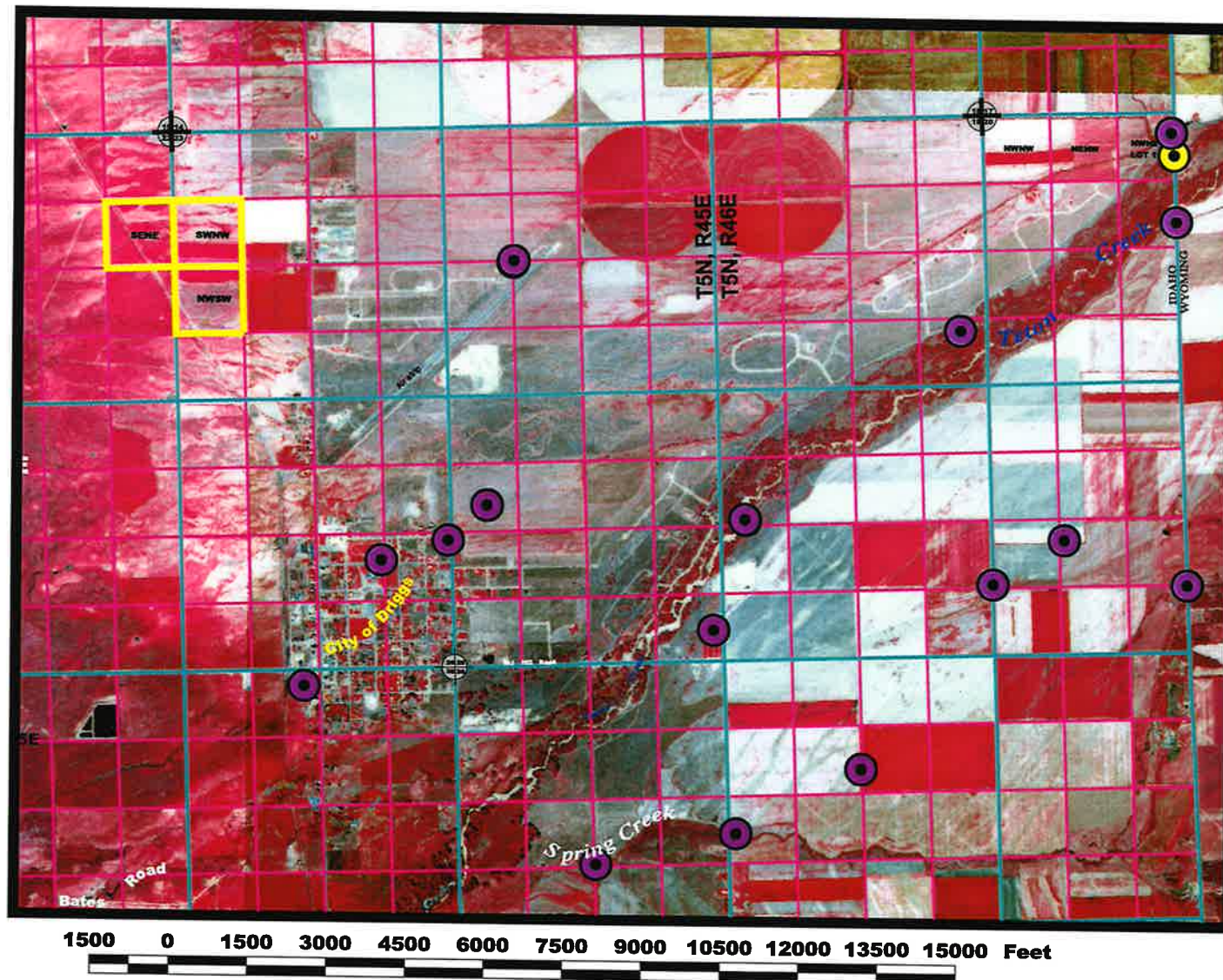
Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2004



Claim no. A22-2012

22-13337

Claimant Contact Log

Date Remarks Agent initials

6/18/04

Bases claim on
Decree - 12072

DD

6/28/04

Met with LaVell and Steve Johnson
at the site of their claim

LaVell has given all of the
Central Teton Canal shares to
new owners of 80 acres next
to the highway in exchange for
the Grand Teton Canal rights.

This claim for LaVell Johnson will
be entirely from Grand Teton Canal.

I gave Mr. Johnson a C.D. form
and told him how to file it

✓
DD

12/22/04 DAVID LAVELL JOHNSON - QUESTIONS OF HOW THIS
CLAIM IS TO BE SPLIT AND WHAT HAPPENED TO THE
CENTRAL TETON CANAL CO.

1. CENTRAL TETON CANAL CO. IS DEFUNCT - NO SRBA CLAIMS
2. THE 30 AC (SESW AND NESW) WERE SOLD TO TETON VALLEY ASSOC.
LAVELL ALSO EXPLAINED THAT HE THOUGHT AN ERROR HAD BEEN
MADE ON FILING THIS CLAIM - IN THAT TOO MUCH WATER WAS
CLAIMED. CENTRAL TETON CANAL CO. SHARES APPARENTLY
EQUAL 1" / SHARE BUT 240" WAS CLAIMED ON 2002 AC.
I EXPLAINED THAT I WOULD ADJUST THE QUANTITY TO BE
1" / AC INSTEAD (AS SPLIT).

THERE ARE NO CENTRAL TETON CANAL CO. SRBA CLAIMS
THAT THE USERS DID NOT WANT TO MAINTAIN THE SYSTEM
OR FILE THE CLAIM - ORIGINAL WATER RIGHT NO. 22-00198.

22-12012 SPLIT TO 22-13337 AND 22-13338

SEE SPLIT NOTES NEXT PAGE

SCANNED

APR 21 2005

PROFILE

Contacts Data Entry Form

Claim Number: 22-12012

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: LAVON JOHNSON Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

✓

Refers to Decree A22-00198 - Central
Teton Canal Co.

See attached sheet of shares in
Canal Co.

ORIGINAL DECREED UNDER POLBURG VS TETON, 1910 AS: #249,
TO CENTRAL TETON CANAL CO., Oct 31, 1903, TETON CR, 1680'

SPLIT NOTES: 22-12012 CLAIMS TOO MUCH WATER @ 1 SHARE
(1"/AC) FOR ACRES ON 2000 ACRES - RIGHT WAS SPLIT BASED
ON GIS ACRES X 0.02 cfs/AC (1"/AC OR 1 SHARE/AC)

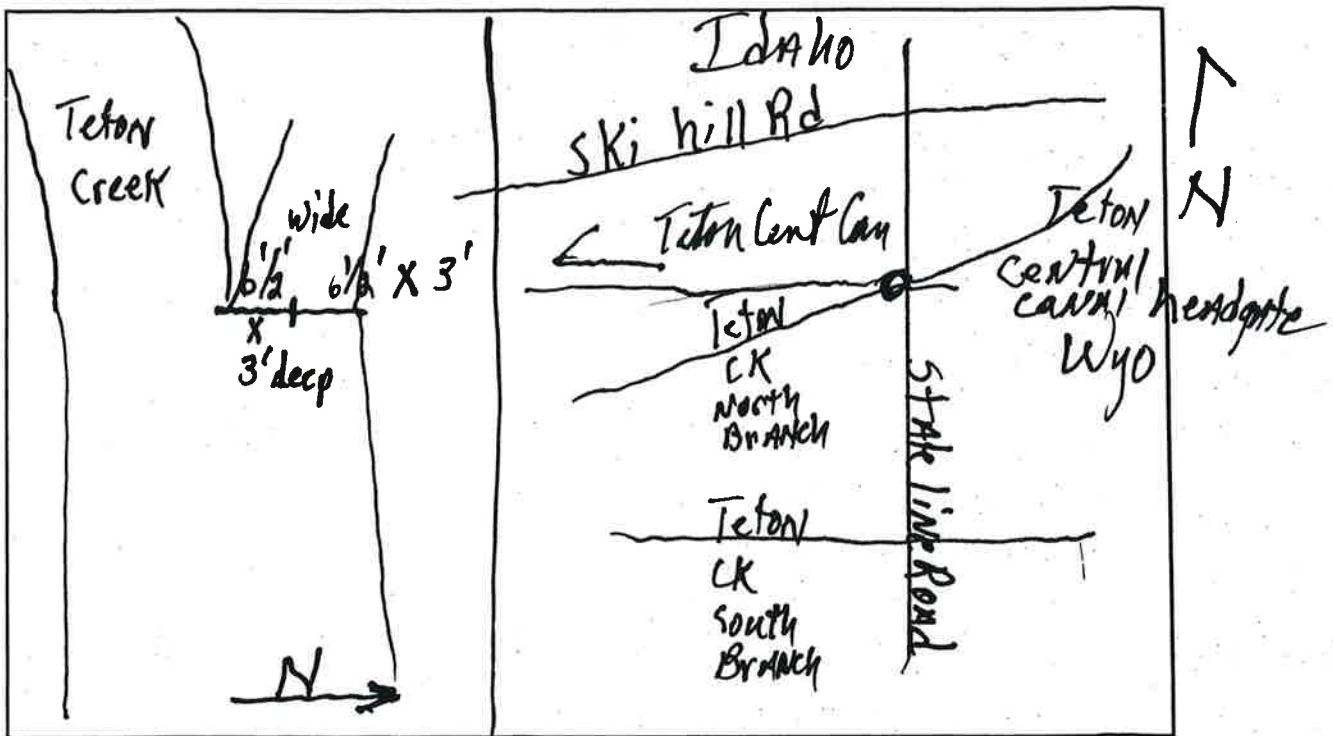
Reviewer: _____ Date: _____

SCANNED

APR 21 2005

PROFILED

Water Right No(s). _____



GPS DATA:

Tag # A0013833 Location: Teton Central Canal

Diversion Data:

Source: Teton Creek Trib to: _____

MOTOR

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

PUMP

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

NOTES: Teton
POD Central Canal SEE ATTACHED PHOTO AND MAP PGS.
Headgate structure description - 2 wooden lift gates
See above left drawing

Field Exam Date: 6/19/04 Agent: DO

PROFILED

SCANNED
APR 21 2005

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
5N	46E	20		NENE	TETON	TETON CK	TETON RIVER

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	46E	20	1	SENE	TETON	TETON CK	TETON RIVER

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

CLAIMS NENE SEC. 20 ⇒ THERE IS NO NENE QUARTER
 SINCE THE EAST EDGE OF QQ IS IDAHO/WYOMING STATELINE.
 THEREFORE ITS SENE (LOT 1) SEC. 20 ⇒ SO RECOMMENDED

Cφ3

DELIVERY IS THROUGH THE NOW DISTRICT CENTRAL TETON
 CANAL CO. DITCH.

Reviewer: _____ Date: _____

PROFILED

SCANNED
 APR 21 2005

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	Q	Q	County	Lot Num	Acres	Purpose of Use
5N	45E	23	SE	NW	TETON			Range
			NE	SW	"			"

Total acres 730

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

GRS of POU = 730 AC

Reviewer: _____ Date: _____

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Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Truck	4/15	10/15	4.0	
Stock	"	"	0.23	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Truck	4/15	10/31	1.46	

Overall Diversion Rate 1.46

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Q PROPORTIONATE SPLIT BASED ON ACRES AS:
 1732 ACRES X .02 CFS = 1.46 cfs

Stock NOT RECOMMENDED - NOT SO DETERMINED

Reviewer: _____

Date: _____

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HEADGATE FOR THE (OLD-NOW DEFUNCT) CENTRAL TETON CANAL.

DIVERTS OFF TETON CREEK - IDAHO SIDE OF STATELINE AT:
TEN RUBE SEC. 20 SEENW 1/4 (LOT 1)

GPS TAG # A0013833

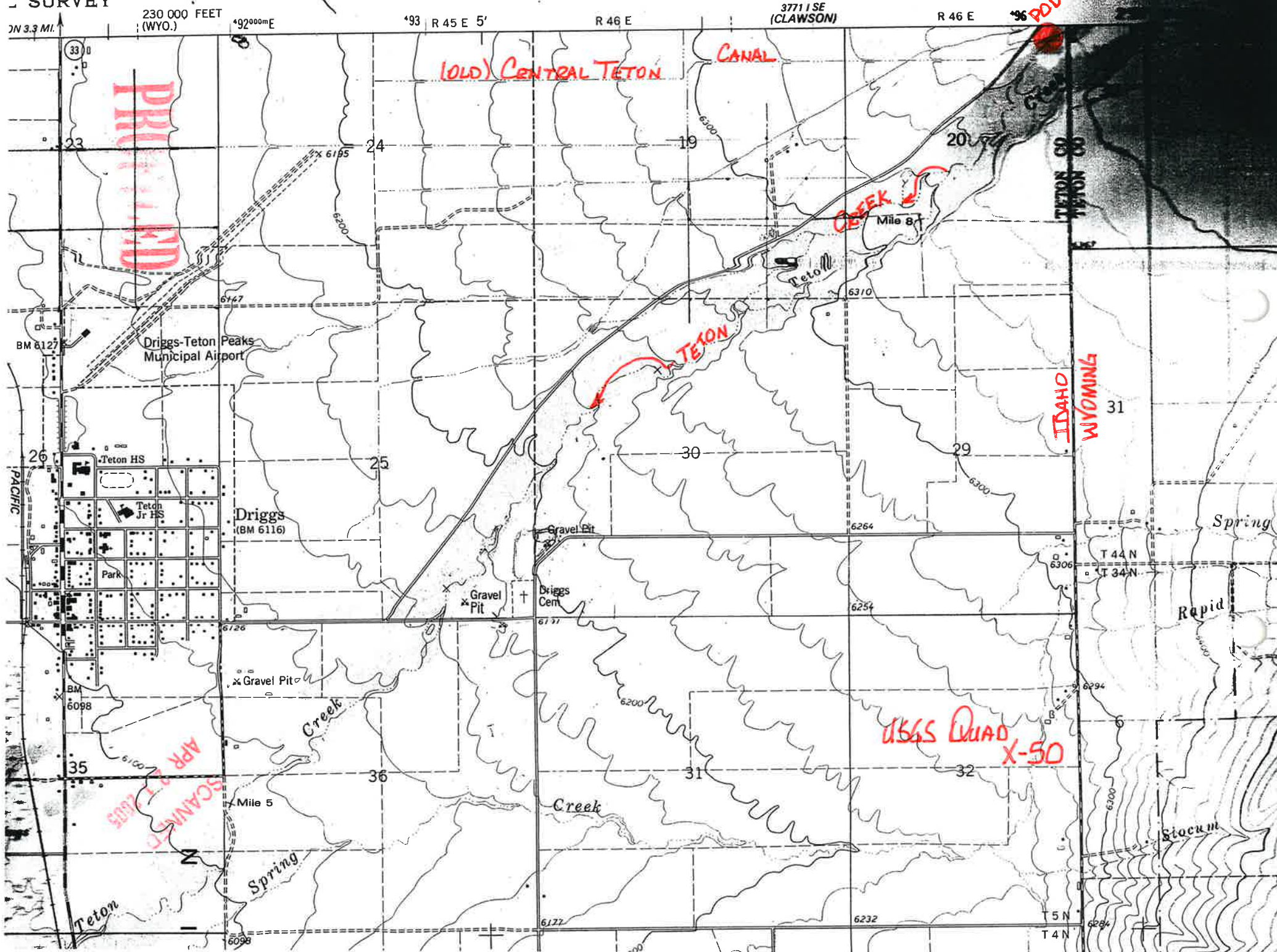
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Photo: 6/19/04 DO

SURVEY



3.3 MI.

230 000 FEET
(WYO.)

920000E

93 R 45 E 5'

R 46 E

3771 SE
(CLAWSON)

R 46 E

96 200

TETON
TETON

IDaho
WYOMING

31

T 44 N

T 34 N

6

T 5 N

T 4 N

PACIFIC

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APR 11 2005

Teton

Mile 5

Spring

Gravel Pit

Driggs
(BM 6116)

Teton HS

Teton Jr HS

Driggs-Teton Peaks
Municipal Airport

BM 6127

6147

6165

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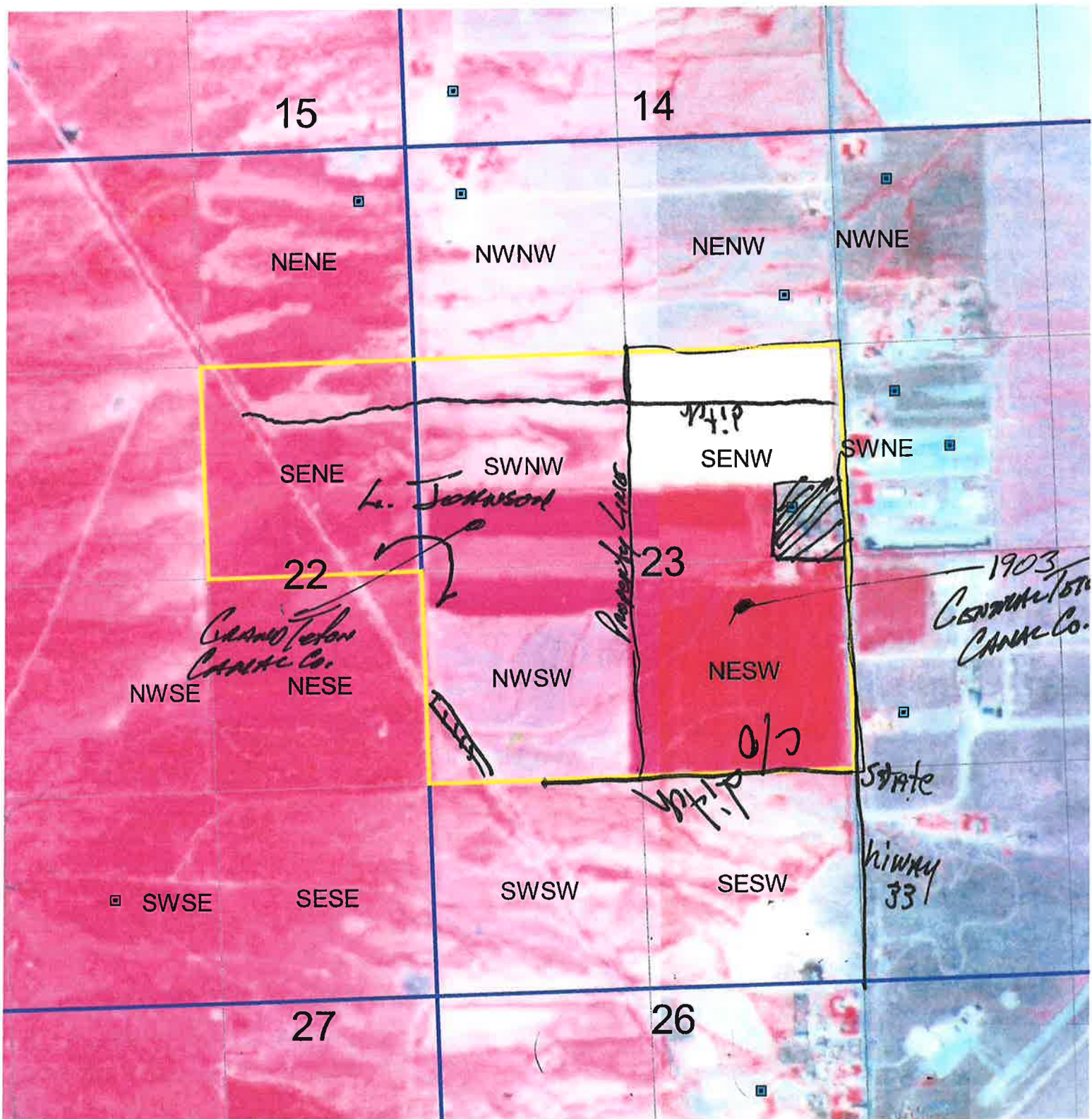
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22-12012

SPLIT $\left\{ \begin{array}{l} 22-13337 \\ 22-13338 \end{array} \right.$



PROFILED

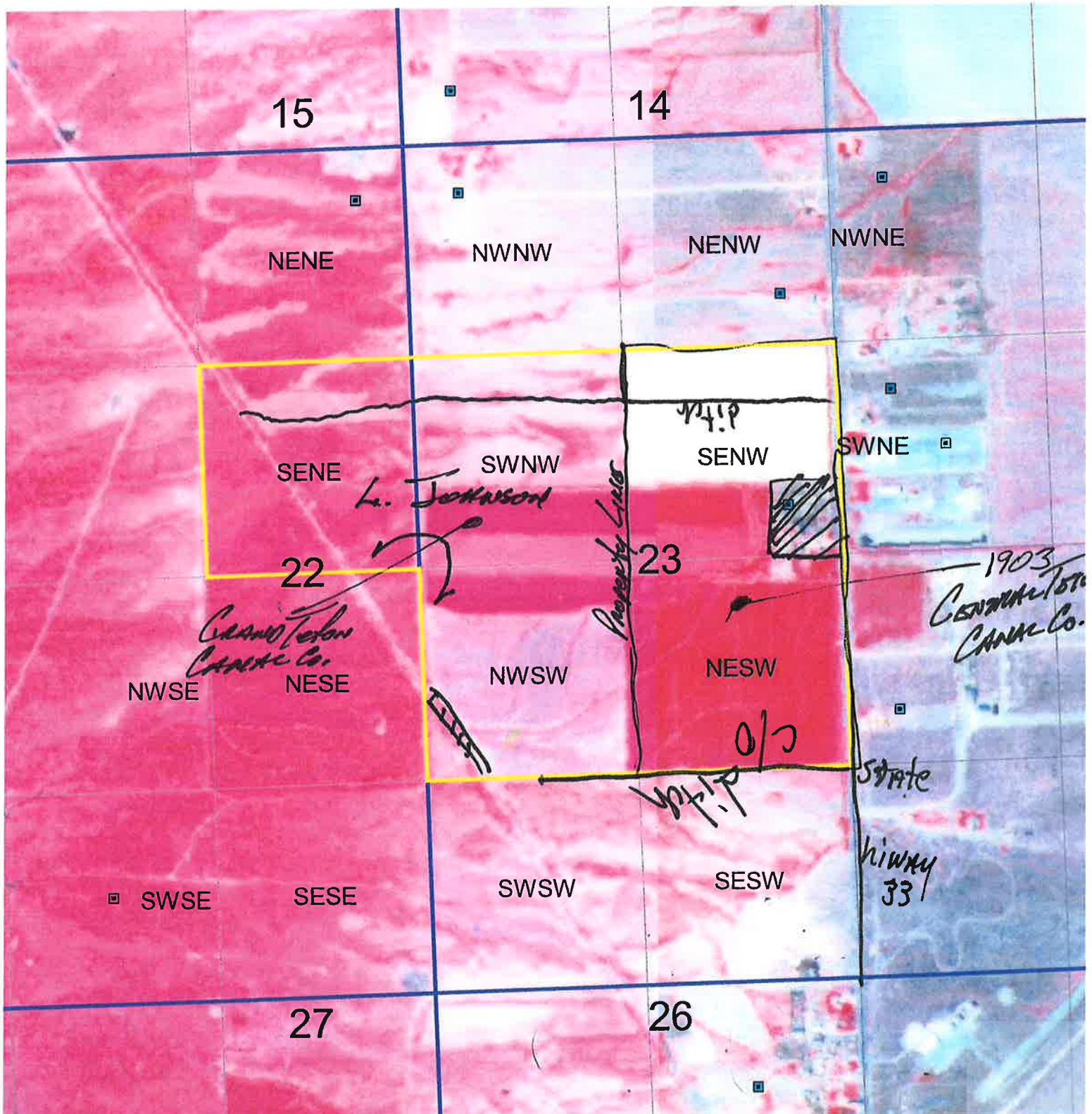
APR 21 2005

22-12012

SPLIT

22-13337

22-13338



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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.

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, 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
	<u>42212012</u>	☒	<u>22-13337</u>		
			<u>22-13338 (docs.)</u>		

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) are 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)

Danell H. Johnson

4. New Owner/Claimant(s)

Teton Valley Associates LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

100 W 200 S

City, State and ZIP Code

Driggs, Idaho 83422

New Telephone Number

208, 354-8159

5. Date you acquired the property

May 1996

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APR 21 2005

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 <u>A 2212012</u>		
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)

Suton Valley Associates LLC
Gandy G. Runnide > Managing Partner

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
APR 21 2005

RECEIVED

MAY 24 1996

TETON Co. ID

123986

WARRANTY DEED

THIS INDENTURE is made this 24th day of May, 1996, by **Lavell H. Johnson**, a married man dealing with his sole and separate property, the "Grantor", and **Peter J. Estay and Stephanie Estay**, whose mailing address is P.O. Box 545, Driggs, Idaho 83422, and **Randy A. Burnside and Nelda K. Burnside**, whose mailing address is 45 West 200 South, Driggs, Idaho 83422, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

See Schedule "A", attached hereto.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and 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 premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, 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 Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

FILED

AT THE REQUEST OF

First American

AT 12 MINUTES PAST 2 P.M.

DATE May 24, 1996

Asa D. Drake

BY Nora R. Drake

CLERK OF RECORD

PROFILED

SCANNED

APR 21 2005

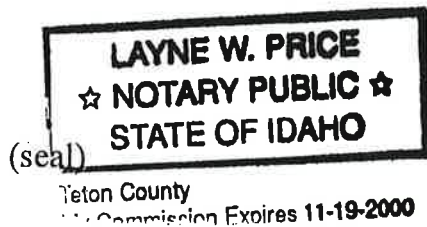
Lavell H. Johnson

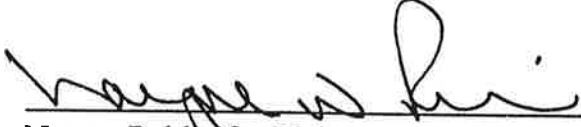
Lavell H. Johnson, Grantor

STATE OF IDAHO)
)ss.
County of Teton)

On the this 24th day of May, 1996, before me, the undersigned, a notary public, in and for said State, personally appeared **Lavell H. Johnson**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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 for Idaho
Residing at DRIBBS
My Commission Expires: 11-19-2000

G:\WPDATA\REF3757\WARR1207.WD:jkp

FILED

SCANNED
APR 21 2005

SCHEDULE "A"

123986

THAT PART OF THE S 1/2 NW 1/4 AND N 1/2 SW 1/4 LAYING 5 FEET EAST OF AN IRRIGATION PIPELINE. LESS A 1 ACRE PARCEL IN THE NORTH EAST CORNER AND THE HIGHWAY RIGHT OF WAY. IN SECTION 23, TWP. 5 N, RNG 45 E. 8.M., TETON COUNTY, IDAHO. BEING FURTHER DESCRIBED AS: COMMENCING AT THE N 1/4 CORNER OF SAID SECTION 23. THENCE S 0°08'41"E. 1324.75 FEET ALONG THE EAST LINE OF THE NW 1/4 TO THE NE CORNER SE 1/4 NW 1/4, AND THENCE S 89°46'21"W. 209.00 FEET ALONG THE NORTH LINE OF SAID SE 1/4 NW 1/4 OF SAID SECTION 23 TO THE POINT OF BEGINNING: THENCE S 0°08'41"E. 209.00 FEET TO A POINT: THENCE N 89°46'21"E. 147.92 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF STATE HIGHWAY 33: THENCE S 0°20'07"E. 2441.84 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF THE N 1/2 SW 1/4 OF SAID SECTION 23: THENCE S 89°44'15"W. 1306.51 FEET ALONG THE SOUTH LINE OF THE N 1/2 SW 1/4 TO A POINT: THENCE N 0°00'31"W. 2651.64 FEET TO A POINT ON THE NORTH LINE OF THE S 1/2 NW 1/4 OF SAID SECTION 23: THENCE N 89°46'21"E. 1144.17 FEET ALONG THE NORTH LINE OF THE S 1/2 NW 1/4 TO THE POINT OF BEGINNING.

CONTAINS 78.35 ACRES. MORE OR LESS.

SUBJECT TO A 0.34 ACRE FENCELINE ENCROACHMENT ON THE SOUTH SIDE OF THE DESCRIBED PARCEL VARYING IN WIDTH FROM 10 FEET ON THE WEST END TO 22 FEET ON THE EAST END. SUBJECT TO A 60 FOOT WIDE ROAD AND UTILITY EASEMENT ACROSS THE NORTHERN PORTION OF THE PARCEL. THE CENTERLINE OF THE EASEMENT BEING DESCRIBED: FROM THE NORTH 1/4 CORNER OF SAID SECTION 23. S 0°08'41" E. 2175.11 FEET ALONG THE SECTION 1/4 LINE AND WEST 59.15 FEET TO THE WEST HIGHWAY RIGHT OF WAY, BEING THE POINT OF BEGINNING. THENCE ALONG THE CENTER OF THE 60 FOOT WIDE ROAD AND UTILITY EASEMENT S 89°40' W. 1298 FEET TO THE WESTERN PROPERTY LINE.

Reserving unto the Party of the First Part and subject to the following ~~1500~~ irrigation ditch and pipeline installation and maintenance easements:

- On the North side of the property adjacent to the North property line. - 15 ft. wide
- Across the South side of the parcel adjacent to and on the North side of the existing fence line. 15 ft. wide
- Across the center of the parcel with the irrigation easement adjacent to and on the South side of the described road easement and running West, 1306.5 feet across the parcel. - 15 ft. wide
- Across the East side of the parcel with the irrigation easement starting at a point S 0°08'41" E. 2175.11 feet from the North 1/4 corner and West 66.7 feet to the center of the 15 foot easement. Being 75 feet West of the highway right of way and running S 0°20'07" E. 1790 feet to the North line of the SE 1/4 SW 1/4.

Reserving unto Party of the First Part necessary access over all of the property described in this Schedule "A" for maintenance and repair of the ditches and pipelines on said easements.

Less: State Highway right of way

Together with one-half (1/2) of Party of the First Part's Central Teton water rights but specifically excluding any water rights in Grand Teton Canal Company.

SUBJECT to Ditch Right-of-Way recorded December 19, 1978, Recorder's No. 82476, records of Teton County, Idaho; and

SUBJECT to Agreement between The City of Driggs and Lavell Johnson and Lowell Curtis recorded October 3, 1991, Recorder's No. 108783, records of Teton County, Idaho; and

SUBJECT to the easements in State Highway Right-of-Way Deed recorded August 31, 1935, Book 62 at Page 562 and 563, records of Teton County, Idaho; and

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises

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 22-13337
Date Received: 12/22/2004
Receipt No: M001469
Received By:

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

1. Name of Claimant(s)

LAVELL H JOHNSON Phone: (208)354-2471
123 N 100 W
DRIGGS ID USA 83422

2. Date of Priority: 10/31/1903

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	Type
05N	46E	20	NE NE NE	TETON	

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	2.4	

7. Total Quantity Appropriated is:
2.4 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
05N	45E	22	SE NE	IRRIGATION	40
				Section Acres	40
05N	45E	23	SW NW	IRRIGATION	40
			NW SW	IRRIGATION	40
				Section Acres	80
				Total Acres	120

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:

THIS IS A SPLIT OF 22-12012. PAID UNDER RECEIPT NO. M001469.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

SCANNED
APR 21 2005

FILED