

11/28/2006

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

RIGHT NUMBER: 22-13628

NAME AND ADDRESS: TARGHEE HILL ESTATES LLC
1777 SUN PEAK DR
PARK CITY UT 84098

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.610 CFS

The quantity of water diverted under this water right shall be from the portion awarded to Wyoming and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 09/01/1891

POINT OF DIVERSION:

T05N R46E S20 SWNE Lot 2 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 20 SESESE, 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.610 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R46E S20 SWSW	17.00	T05N R46E S20 SESW 34.00
	T05N R46E S20 Lot 4 SWSE	29.00	
	80 ACRES TOTAL		

This right is limited to the irrigation of 72 acres within the place of use described above in a single irrigation season.

80

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-13628, 22-13630.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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

Water is delivered through Waddell Ditch.

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

This right is a split from former right 22-567.

11/28/2006

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: 22-13628

TARGHEE HILL ESTATES LLC

1777 SUN PEAK DR

PARK CITY UT 84098

Telephone Number: (435) 645-9005

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: 12/11/06

SIGNATURE: 

Please print your name: MICHAEL D. STEWART
TARGHEE HILL ESTATES, LLC

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

OC



Idaho Department of Water Resources

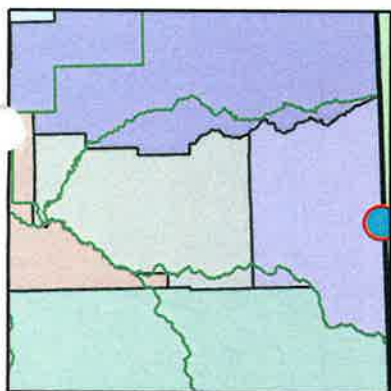
SRBA Recommendation:

22-13628

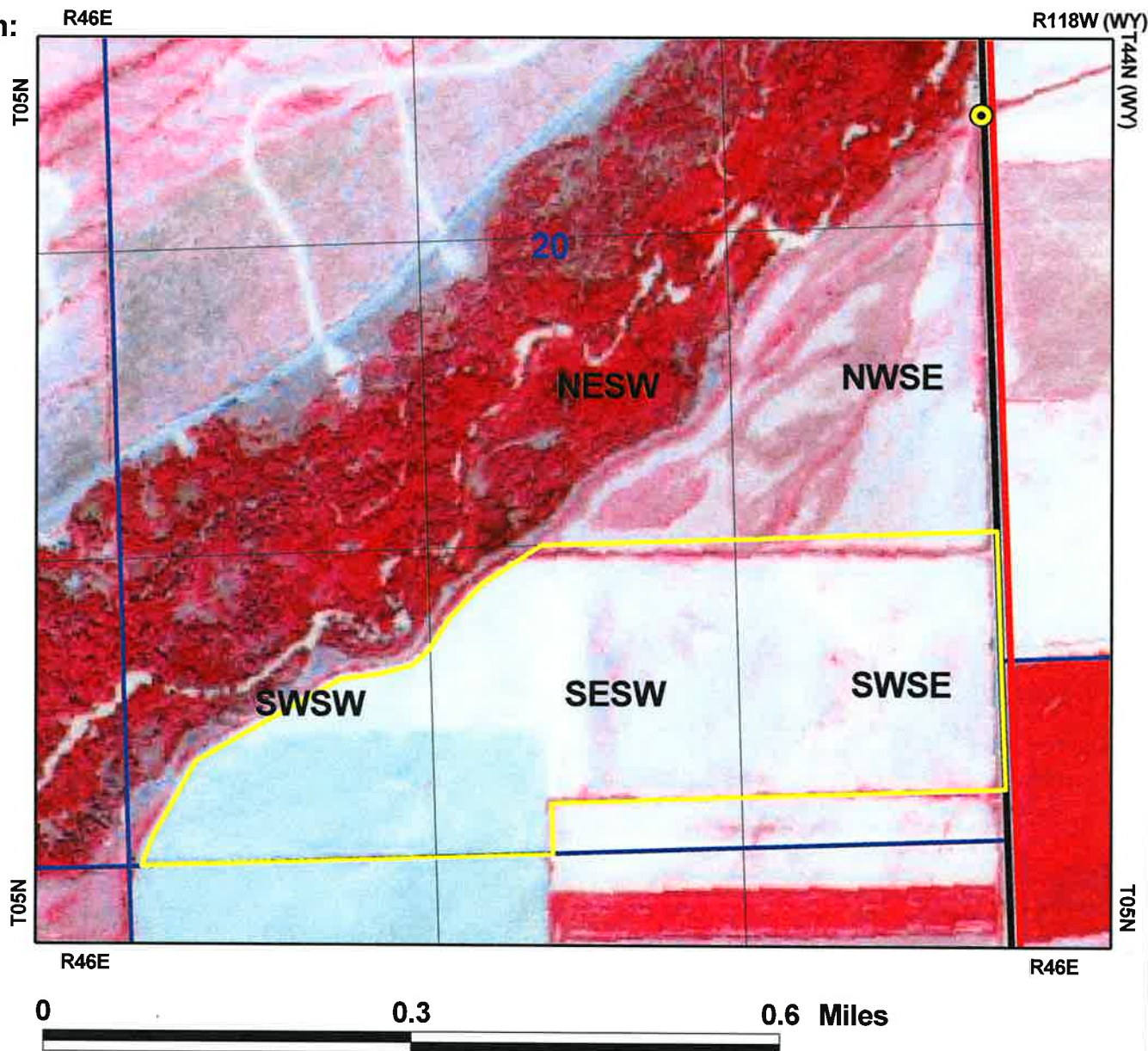
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by D. Carlson
On Tuesday, November 28, 2006
1987/88 Aerial Photography

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
22-13384		XX			
22-13386		XX			

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) Boyd Bowles
261 East 200 South, Driggs, Idaho 83422
4. New Owner/Claimant(s) Targhee Hill Estates, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1777 Sun Peak Drive
- City, State and ZIP Code Park City, Utah 84098
- New Telephone Number (435) 645-9005
5. Date you acquired the property October 19, 2006

RECEIVED
NOV 20 2006
 Department of Water Resources
 Eastern Region

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>22-13384</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	<u>0.7 cfs</u>	<u>80 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.7 cfs</u>	

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>22-13386</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	<u>1.32 cfs</u>	<u>80 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>1.32 cfs</u>	

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

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 _____

EXPLANATORY

Targhee Hill Estates, LLC acquired 101.94 acres in the S/2 of the S/2 of Section 20, T. 5 N., R. 46 E., B.M. in Teton County, Idaho (the "Ski Hill Road Property"). Of the 101.94 acres, 80 acres located east of Teton Creek are irrigated under Idaho Water Right Nos. 22-13384 and 22-13386 (the "Water Rights").

Idaho Department of Water Resources records show Boyd Bowles to be the owner of the Water Rights. However, deeds in the chain of title for the Ski Hill Road Property and appurtenant Water Rights include Ann B. Smith. Consequently, deeds included in this Notice of Change in Ownership begin with acquisition of the Ski Hill Road Property and appurtenant Water Rights by Boyd Bowles and Ann B. Smith and end with acquisition of the Ski Hill Road Property and appurtenant Water Rights by Targhee Hill Estates, LLC.

The Water Rights are authorized for the irrigation of a total of 166 acres and must be split by this Notice of Change in Ownership to reflect the portion used for irrigation of the Ski Hill Road Property. The portions of the Water Rights appurtenant to and used for the irrigation of 80 acres of the Ski Hill Road Property are split as follows:

Water Right No. 22-13384 has a maximum flow-rate of 1.27 cfs, and is limited to the irrigation of 144.9 acres, even though the described place of use includes 166 acres. The portion of this Water Right appurtenant to the Ski Hill Road Property is 0.7 cfs, calculated as follows: $80 \text{ acres} / 144.9 \text{ acres} \times 1.27 \text{ cfs} = 0.7 \text{ cfs}$.

Water Right No. 22-13386 has a maximum flow-rate of 2.74 cfs, and is limited to the irrigation of 166 acres. The portion of this Water Right appurtenant to the Ski Hill Road Property is 1.32 cfs, calculated as follows: $80 \text{ acres} / 166 \text{ acres} \times 2.74 \text{ cfs} = 1.32 \text{ cfs}$.

The combined flow available from both Water Rights for the irrigation of the portion of the Ski Hill Road Property located east of Teton Creek is 2.02 cfs.



Holme Roberts & Owen LLP
Attorneys at Law

SALT LAKE CITY

November 16, 2006

BOULDER

Idaho Dept. of Water Resources
Eastern Regional Office
ATTN: Ernie Carlsen
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

returned
check # 052319
for \$200.00.
no fee needed.
JC
11-20-06

COLORADO SPRINGS

Re: Notice of Change in Ownership for Portions of Water Right Nos. 22-13384 and 22-13386

Dear Ernie:

DENVER

Enclosed for filing with IDWR on behalf of Targhee Hill Estates, LLC are a check in the amount of \$200.00 and a Notice of Change in Ownership and accompanying deeds and documents ("Change in Ownership"), for portions of Water Right Nos. 22-13384 and 22-13386.

LONDON

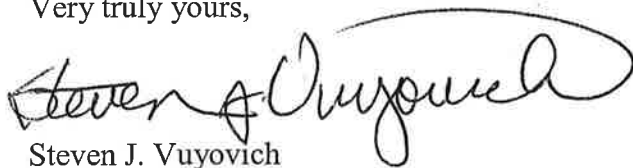
Please let us know if you see any problems with the Change in Ownership.

Thank you.

LOS ANGELES

Very truly yours,

MUNICH


Steven J. Vuyovich

SAN FRANCISCO

cc: Mike Stewart

Enclosures

RECEIVED

NOV 20 2006

Department of Water Resources
Eastern Region

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 22-13628
Date Received: 5/17/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

TARGHEE HILL ESTATES LLC Phone: (435)645-9005
1777 SUN PEAK DR
PARK CITY UT USA 84098

2. Date of Priority: 09/01/1891

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	SW NE 2	TETON	

5. Description of diverting works:

Wadell Ditch enters Idaho at the Point of Diversion described above. The actual heading is at T44N R118W Section 20 SESE in Wyoming.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.61	

7. Total Quantity Appropriated is:
0.61 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	46E	20	SE SW	IRRIGATION	33
			SW SE 4	IRRIGATION	27

Section Acres 60
Total Acres 60

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:

See file 22-13213 for field exam and notes.

This claim is based on a portion of decreed right 22-567.

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.

This right is a split from former right 22-13213 .

This right is a split from former right 22-13384 .

15. Basis of Claim: Decreed