

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

RIGHT NUMBER: 22-13775

NAME AND ADDRESS: HOFLEY FAMILY INVESTMENT LLC
PO BOX 1447
WILSON WY 83014

SOURCE: Source: Tributary:
BELL CREEK TETON RIVER
GRIFFITH CREEK TETON RIVER

QUANTITY: 0.520 CFS ~~0.400 CFS~~

PRIORITY DATE: 08/01/1904

POINT OF DIVERSION: ~~T05N R45E S19 SENWSE Within TETON County~~
T05N R45e S20 SESWSW Within TETON County
T05N R45e S29 SWNWNE Within TETON County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 10/15	<u>0.520 CFS</u> ~~0.400 CFS~~

PLACE OF USE: IRRIGATION within TETON County
T05N R45E S30 NENE 26.0 ~~T05N R45E S30 NENE 20.0~~

26 ACRES TOTAL ~~20 ACRES TOTAL~~

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

This right is subject to regulation by the watermaster of Water District No 01.

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 22-684.

Created By

Denise Kic

Date: 12-23-08

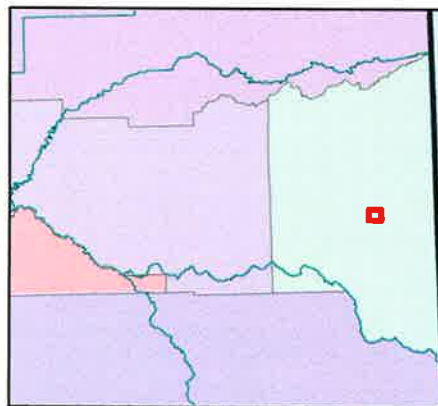


SRBA Recommendation
22-13775
(IRRIGATION)

Idaho Department of Water Resources

Legend

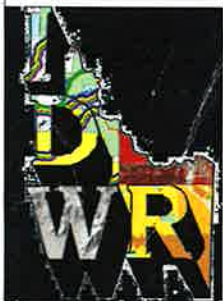
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22

Prepared by Denise Kidman
On December 23, 2008
2004 Aerial Photography





Idaho Department of Water Resources

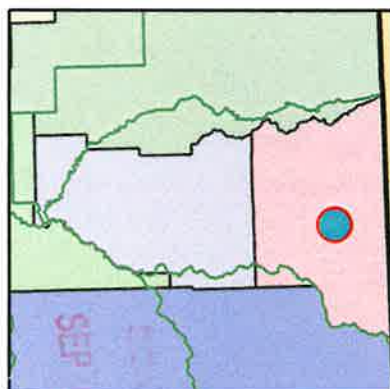
SRBA Recommendation:

22-13775

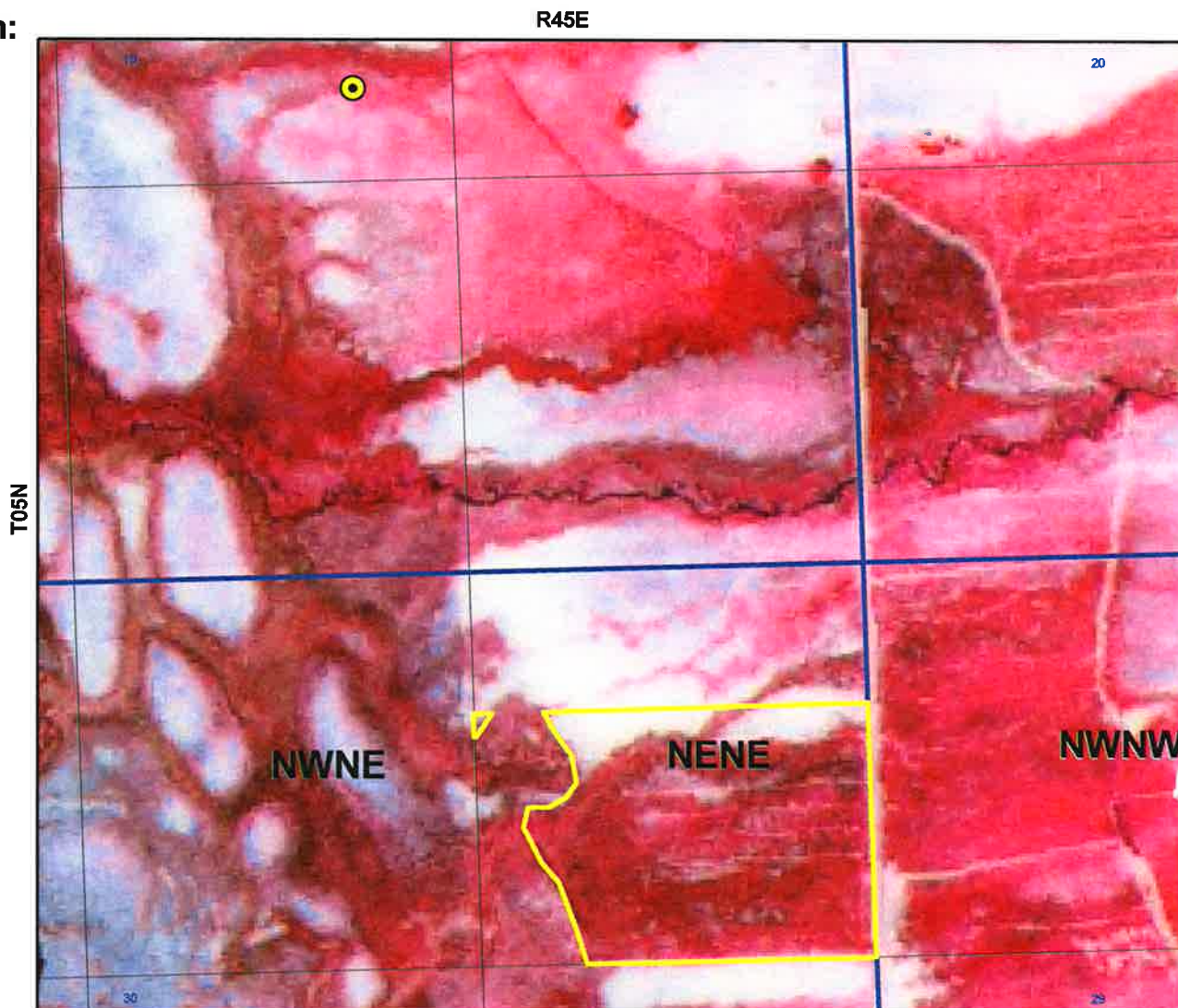
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.2 0.4 Miles



Prepared by J. Crabtre
On Wednesday, August 29, 2007
1987/88 Aerial Photography

Kidman, Denise

From: Courtney, Andrea
Sent: Wednesday, October 08, 2008 3:00 PM
To: Kidman, Denise; Carlsen, Ernie
Cc: Williams, Ray
Subject: 22-684 Duck Bell (-13774 & -13775 Hoffley), -13594 (Richardson) & 4157 Elliott Creek

Source question
Ernie

Denise & Ernie~

We had a status conference for these in a group this afternoon. Rob Harris reported that he has been remiss in not responding to you about the various subcases, and that he apologized for that.

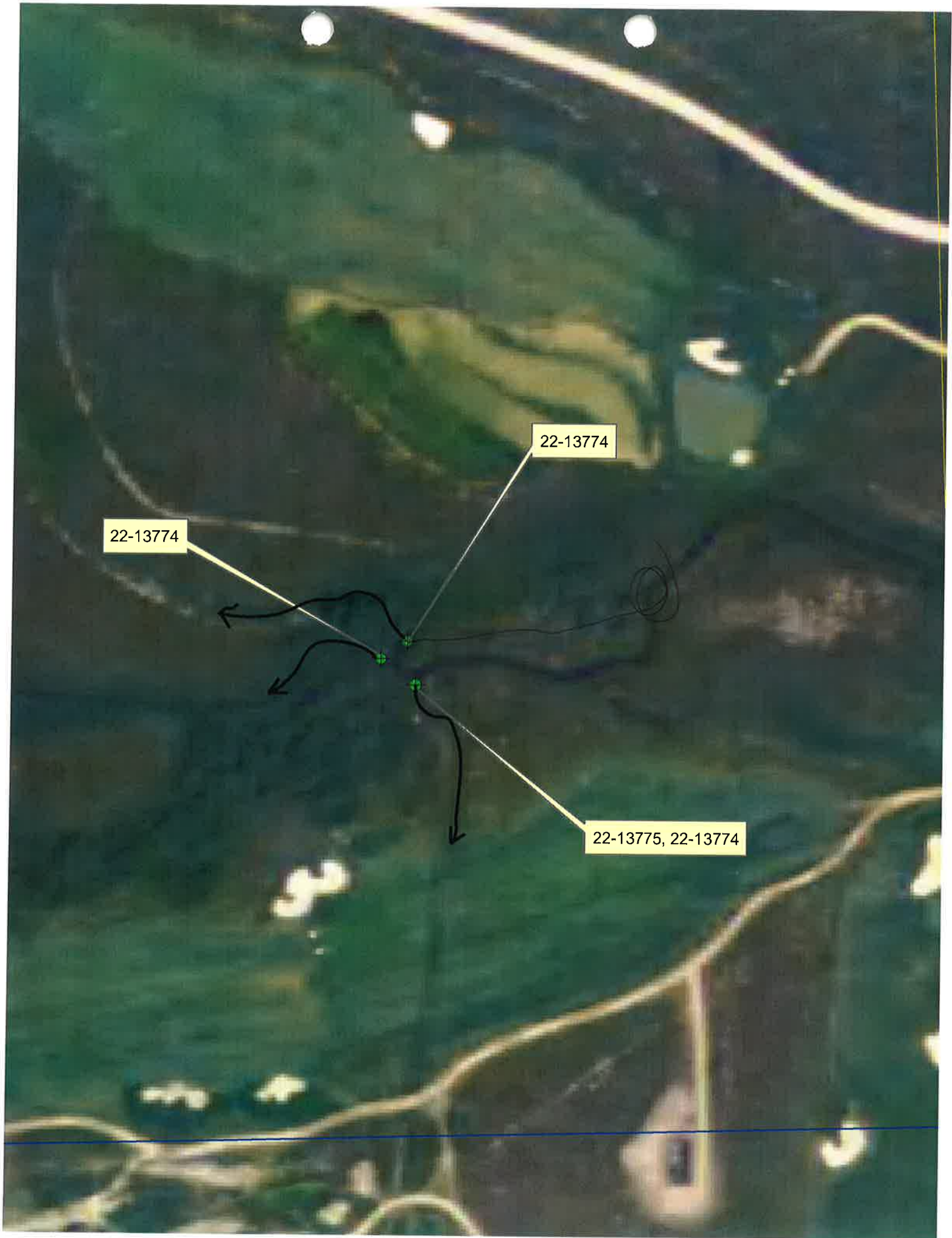
As for DuckBell/Hoffley, he said the shape file Denise sent looks good to him. He needs final okay from his client and then they'll be ready for SF5s.

As for Elliott Creek, he said Ernie emailed him a proposed water right description based on additional evidence. He said it all looked good to him but he needs approval from the client, though he expects resolution via SF5 on this one, too.

As for Richardson, he wants to talk with Denise as he thought the ball was in his court. (Denise, Ray's notes from initial hearing suggested we were waiting on him to confirm the source and maybe a deed to change the ownership.)

For all three of these, given the expectation of SF5s for DuckBell/Hoffley and Elliott Creek, we set all of them for status conference on 12/17/08 at 2pm.

Andrea

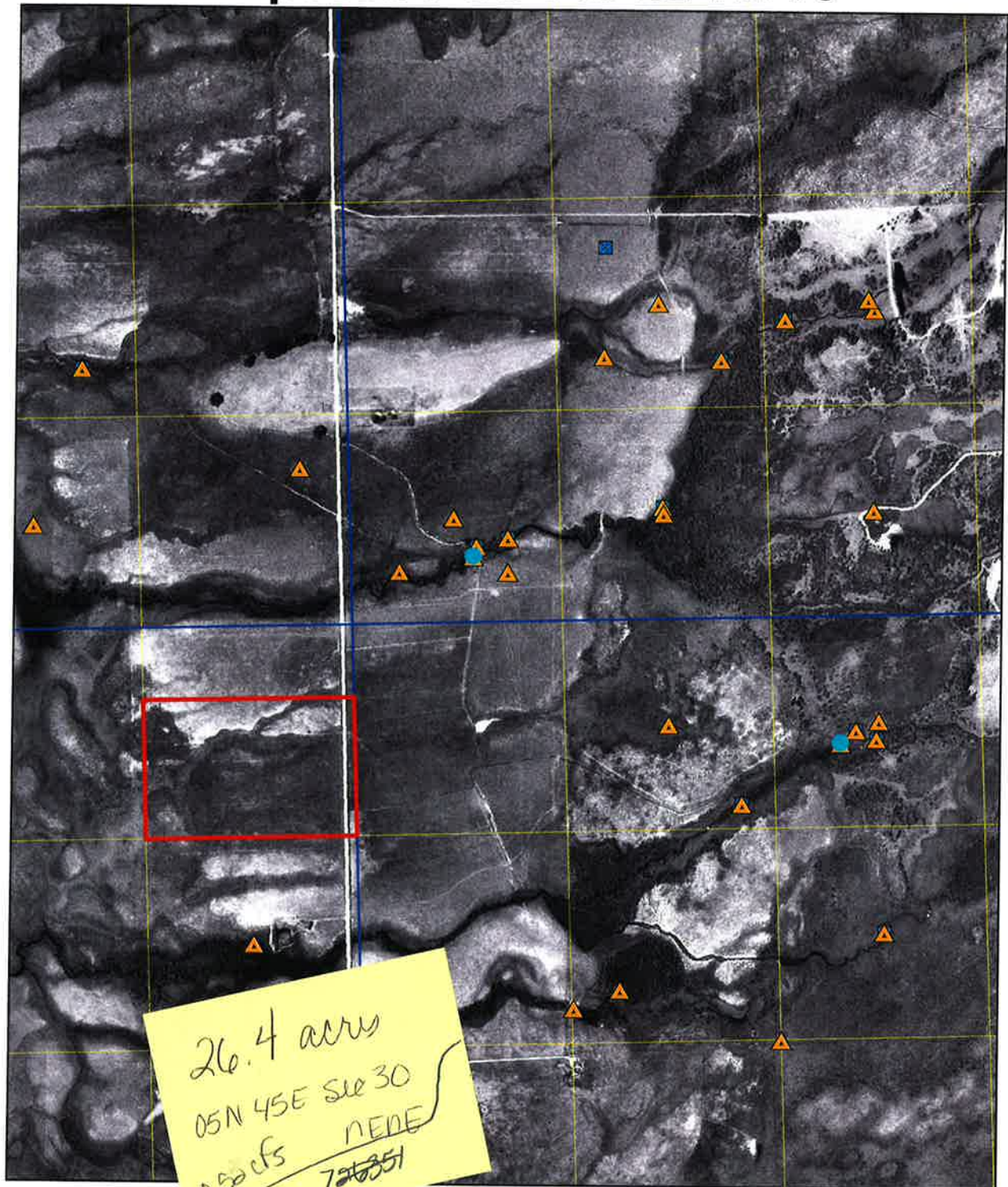


22-13774

22-13774

22-13775, 22-13774

Proposed POU For 22-13775



Legend

-  Spatial Data
-  Township/Range
-  Sections
-  QQ

Prepared by Denise Kidman
September 26, 2008



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

August 30, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CAROLE HOFLEY LIVING TRUST
PO BOX 1447
WILSON WY 83014

RE: Notice of Change of Water Right Ownership (NCO) for
22-684 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

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 the water right(s) as recorded in the SRBA.

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

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Duck Bell LLC

SCANNED

SEP 14 2007



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

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Technical Records Specialist

Enclosure

cc: Duck Bell LLC

SCANNED

SEP 14 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-684 SPLIT INTO
22-13774 & 22-13775

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (SPLIT) DUCK BELL – HOFLEY & HOFLEY
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 30 Aug. 2007

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 31, 2007, 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:
DUCK BELL LLC
1025 S COOK ST
DENVER CO 80209

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
CAROLE S HOFLEY LIVING TRUST HOFLEY FAMILY INVESTMENT LLC
PO BOX 1447 PO BOX 1447
WILSON WY 83014 WILSON WY 83014

4. One copy to:

Each party in the subcase, or attorney of record
KENT FOSTER RAY RIGBY
HOLDEN KIDWELL HAHN & CRAPO PO BOX 250
PO BOX 50130 REXBURG ID 83440
IDAHO FALLS ID 83405

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

RECEIVED
JUL 17 2007Department of Water Resources
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 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
22-684		√			

ADT
Needs
NCTP

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 rights(s) or claims(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 your water rights(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 Duck Bell, LLC
1025 S. Cook St., Denver, CO 80209
4. New Owner/Claimant(s) Carole S. Hofley, Trustee of Carole S. Hofley Living Trust
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address PO Box 1447
 City, State and ZIP Code Wilson, WY 83014
 New Telephone Number 307-733-7727
5. Date you acquired the property December 16, 2005

SCANNED

SEP 14 2007

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 Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
Water right and/or Adjudication Claim Number <u>22-684</u>		
Irrigation	1.93 cfs	96.62 acres
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 attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

7. Signature of New Owner(s) Or Claimant(s) Carole S. Hofley
(include title if applicable) Trustee Carole S. Hofley Living Trust

For IDWR Office Use Only

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

SCANNED
SEP 14 2007

Instrument # 173454

DRIGGS, TETON, IDAHO
2005-12-16 02:17:34 No. of Pages: 3
Recorded for: ALLIANCE TITLE & ESCROW
NOLAN G. BOYLE Fee: 9.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

173454

WARRANTY DEED

Duck Bell North

(155.58+/- Acres)

RECEIVED

DEC 16 2005

TETON CO., ID
CLERK RECORDER

FOR VALUE RECEIVED, **DUCK BELL LLC**, a Delaware Limited Liability Company, does hereby grant, bargain, sell, warrant and convey unto, **CAROLE S. HOFLEY**, sole Trustee, or her successors in trust, under the **CAROL S. HOFLEY TRUST AGREEMENT** dated **December 29, 1980**, and restated as the **CAROLE S. HOFLEY LIVING TRUST**, dated **July 7, 1988**, and any amendments thereto, of 5000 Pine Meadow, P.O. Box 1447, Wilson, WY, 83014, ("Grantee"), the following described real property in Teton County, State of Idaho, totaling 155.58 acres more or less, to-wit:

Township 5 North, Range 45 East, B.M., Teton County, Idaho

Section 19: N½SE¼ AND THE SE¼SE¼

More completely described as follows:

A parcel of land located in the N½SE¼ and the SE¼SE¼ of Section 19, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho and more completely described as follows:

Beginning at the East one-quarter corner of Section 19, T5N, R45E, B.M., the TRUE POINT OF BEGINNING, thence first course, S00°08'37"E-2642.15 feet to the section corner common to sections 19, 20, 29, and 30, thence second course, N89°37'43"W-1303.55 feet to the East 1/16 corner between Sections 19 and 30, thence third course, N00°05'57"W-1323.90 feet to the SE 1/16 corner of Section 19, thence fourth course, N89°30'15"W-1302.55 feet to the C-S 1/16 corner of Section 19, thence fifth course, N00°03'17"W-1326.72 feet to the Center ¼ corner of Section 19, thence sixth and final course, S89°22'46"E-2603.12 feet to East one-quarter corner of Section 19 and the point of beginning.

Said parcel containing 118.70 acres.

Together with:

Parcel DB 1

A parcel of land located in the N½NE¼ of Section 30, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho and more completely described as follows:

WARRANTY DEED
Duck Bell North 155.58+/- ACRES
Page 1 of 3

173454

RECEIVED

SEP 14 2007

Beginning at the North one-quarter corner of Section 30, T5N, R45E, B.M., the TRUE POINT OF BEGINNING, thence first course, S89°37'43"E-2607.10 feet to the North East corner of Section 30, thence second course along the section line S00°01'46"E-429.85 feet, thence third course departing said section line S89°58'11"W-2609.81 feet, thence fourth and final course

N00°19'30"E-448.13 feet to the North one- quarter corner Section 30 and the point of beginning.

Said Parcel containing 26.29 acres.

Parcel DB 2

A parcel of land located in the N½NW¼ of Section 30, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho and more completely described as follows:

Beginning at the North quarter corner of Section 30, T5N, R45E, B.M., the TRUE POINT OF BEGINNING, thence first course, S 00°19'30" W-448.13 feet, thence second course S89°58'11"W-648.11 feet to the centerline of the Teton River, third through the sixth courses along said centerline, thence third course N48°02'01"W- 2.96 feet, thence fourth course N73°07'30"W-171.02 feet, thence fifth course S73°11'25"W- 131.27 feet, thence sixth course S48°23'15"W-126.24 feet, thence seventh course, departing said centerline of the Teton River, N00°02'28"E-525.07 feet, thence eighth and final course S89°38'39"E-1036.20 feet to the North quarter corner Section 30 and the point of beginning.

Said parcel containing 10.59 acres.

Total Duck Bell North Parcel Containing 155.58 Acres

Together with and including any and all improvements and appurtenances thereto, including rents, issues and profits thereof, reversions and remainders, all water rights, and all oil, gas, and other mineral rights owned by Grantors.

Subject to easements, if any, of record or in existence, for roads and utilities; conservation easements of record; applicable zoning, use, and subdivision laws, ordinances and regulations; mineral rights, if any, reserved in the State of Idaho or others; and accruing 2005 property taxes and assessments.

Grantors covenant and warrant that fee simple title to the above-described property is conveyed to Grantee by this Deed free from all encumbrances except the pro-rata share of current year property taxes and assessments from date hereof.

WARRANTY DEED

Duck Bell North 155.58+/- ACRES

Page 2 of 3

173854

SCANNED

SEP 14 2007

DATED This 9th day of December, 2005.

GRANTOR:

DUCK BELL LLC,
a Delaware limited liability company

By: Conservation Solutions, LLC
a Wyoming limited liability company
Its: Manager

By: Daniel B. Schlager
Daniel B. Schlager, Manager

Acknowledgment:

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

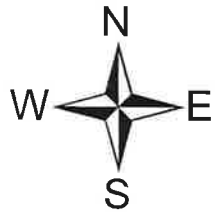
On the 9th day of December, 2005, before me the undersigned, a notary public in and for said State and County, personally appeared Daniel B. Schlager, known or identified to me to be the manager of Conservation Solutions, LLC, a Wyoming limited liability company, manager in the Delaware limited liability company of Duck Bell LLC, and the manager who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such manager executed the same in said limited liability company name.

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



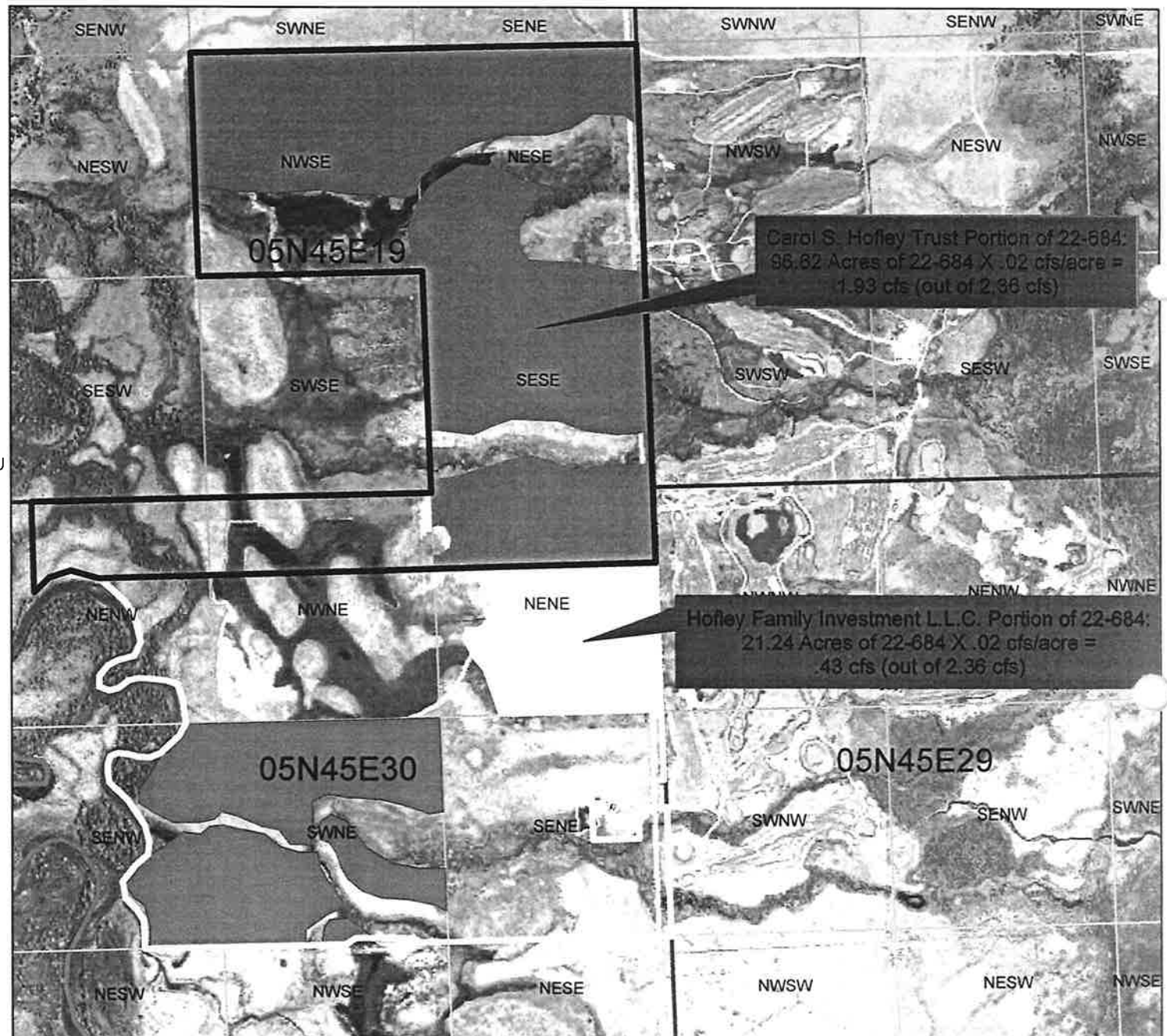
George Lovefi
Notary Public for Colorado
Residing at: 2500 E. 2nd Ave. Denver, CO 80206
My Commission expires: 2/4/2007

CAROL S. HOFLEY TRUST PROPERTY and HOFLEY FAMILY INVESTMENT L.L.C. PROPERTY



Legend

-  Carol S. Hofley_Trust_Property
-  Hofley_Family_Investment_LLC_Property
-  Carol S. Hofley_Trust_Property_22-684_POU
-  Hofley_Family_Investment_LLC_22-684_POU
-  22-13695&22-13698_POU
-  Section_Lines
-  Quarter-quarters
-  MajorRivers



Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo
July 5, 2007

0 0.125 0.25 0.5 Miles