

11/30/2007

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

RIGHT NUMBER: 22-13794

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

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.270 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 the 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	0.270 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R46E S20	SESW	4.00	T05N R46E S20 Lot 4	SWSE	5.00
T05N R46E S29 Lot 1	NWNE	9.00	T05N R46E S29	NENW	12.00

30 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 30 acres in a single irrigation season. Combined Right Nos.: 22-13794 & 22-13796.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-13215.

Water is delivered through Waddell ditch.

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Idaho Department of Water Resources

SRBA Recommendation:

22-13796

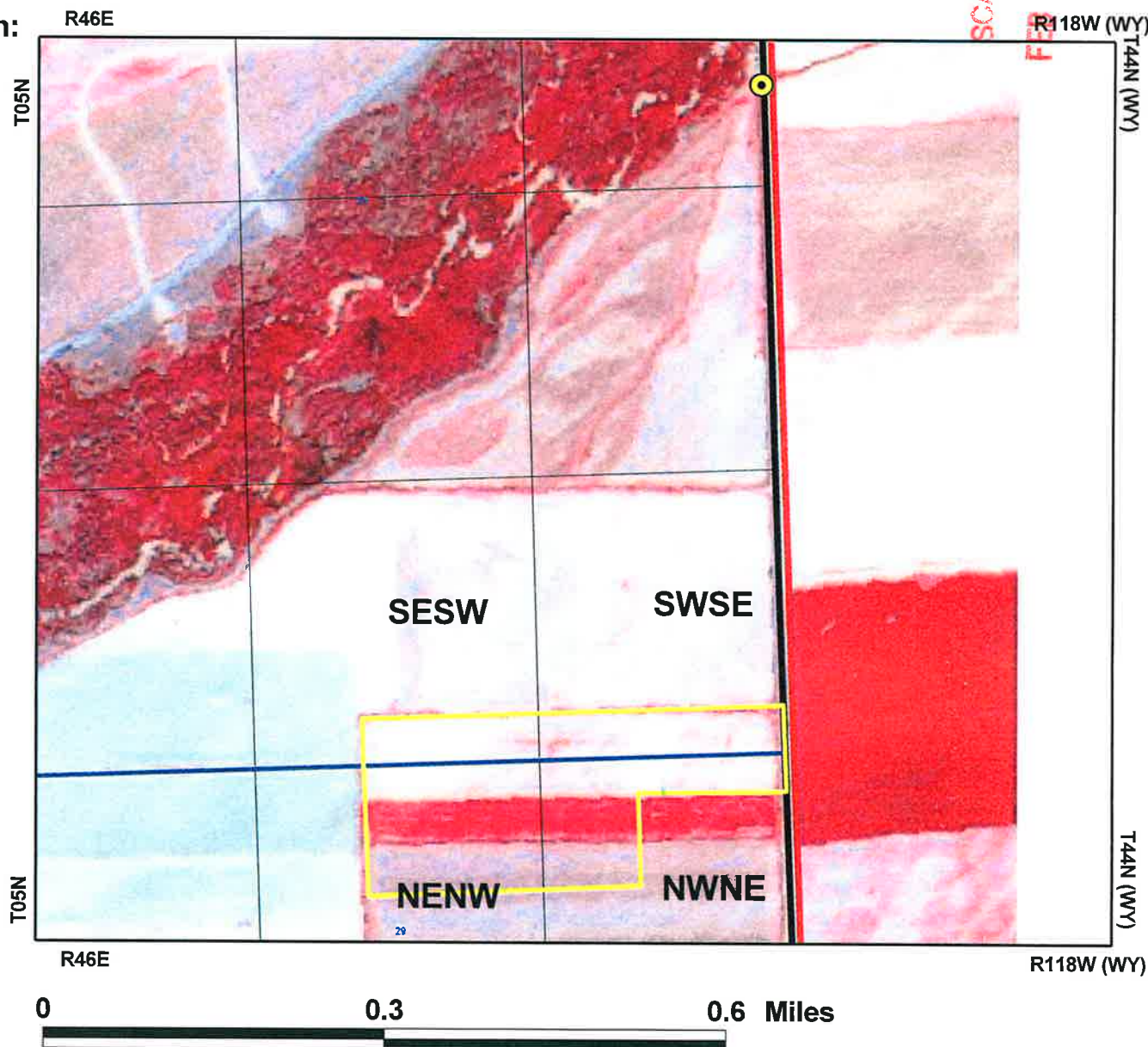
(Irrigation) +
22-13794

Legend

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



Teton County
IDWR Basin 22



Prepared by J. Crabtre
On Thursday, November 29, 2007
1987/88 Aerial Photography



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

November 29, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

TARGHEE HILL ESTATES LLC
1777 SUN PEAK DR
PARK CITY UT 84098

RE: Notice of Change of Water Right Ownership (NCO) for
22-13215 & 22-13216 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

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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:

22-13215 SPLIT INTO 22-13793 & 22-13794

22-13216 SPLIT INTO 22-13795 & 22-13796

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

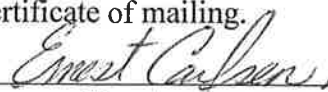
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party MOSS FAMILY TRUST – TARGHEE HILL ESTATES
- ☐ 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: Nov. 29, 2007



Signature of IDWR Representative

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CERTIFICATE OF MAILING

I certify that on Nov 30, 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:
DORIS SYLVIA MOSS FAMILY TRUST
196 N 275 E
DRIGGS ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
DORIS SYLVIA MOSS FAMILY TRUST
196 N 275 E
DRIGGS ID 83422

TARGHEE HILL ESTATES LLC
1777 SUN PEAK DR
PARK CITY UT 84098

4. One copy to:

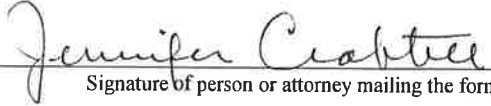
Each party in the subcase, or attorney of record
N/A

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

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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.

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)
NGHP ADJ 22-13215		X			
ADJ 22-13216		X			

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 on file with the county Planning and Zoning or Recorder's Office).

OR

- D. 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)	<u>Doris Sylvia Moss Family Trust</u>
	<u>196 North 275 East, Driggs, Idaho 83422</u>
4. New Owner/Claimant(s)	<u>Targhee Hill Estates LLC</u>
	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	<u>1777 Sun Peak Drive</u>
City, State and ZIP Code	<u>Park City, Utah 84098</u>
New Telephone Number	<u>(435) 645-9005</u>

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RECEIVED

SEP 17 2007

5. Date you acquired the property

June 25, 2007

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 22-13215		
Irrigation	0.265 cfs	30 acres
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number 22-13216		
Irrigation	0.478 cfs	30 acres
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)


 MICHAEL D. STEWART

 TARGHEE HILL ESTATES, LLC
 MEMBER

(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 _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

 Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

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 FEB 07 2008

RECORDING REQUESTED BY
First American Title Company

189039 JUN29 07 AM 10:10

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 189039

TETON COUNTY, IDAHO

2007-06-29 10:10:00 No. of Pages: 2

Recorded for : FIRST AMERICAN

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: 6.00

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **194613-T (tm)**

Date: **June 25, 2007**

For Value Received, **The Doris Sylvia Moss Family Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Targhee Hill Estates, LLC, a Delaware Limited Liability Company**, hereinafter called the Grantee, whose current address is **1777 Sun Peak Drive, Park City, UT 84098**, the following described premises, situated in **Teton County, Idaho**, to-wit:

A parcel of land located in Government Lot one of Section 29, the northeast quarter of the northwest quarter of Section 29, the south half of Government Lot four of Section 20 and the southeast quarter of the southwest quarter of Section 20, Township 5 North, Range 46 East of the Boise Meridian, Teton County, Idaho and more particularly described as follows:

BEGINNING at the northeast corner of said Section 29, said corner is marked with a rebar and 2 inch aluminum cap (illegible);
Thence S00°27'38"E 121.27 feet along the east line of said Government Lot one of Section 29 to a 5/8 inch rebar with aluminum cap inscribed NELSON ENGR PLS 11543;
Thence N89°55'10"W 660.82 feet to a 5/8 inch rebar with aluminum cap inscribed NELSON ENGR PLS 11543;
Thence S00°27'38"E 503.93 feet to a 5/8 inch rebar with aluminum cap inscribed NELSON ENGR PLS 11543;
Thence N89°49'37"W 1,277.94 feet to a 5/8 inch rebar with aluminum cap inscribed NELSON ENGR PLS 11543;
Thence N00°27'35"W 622.63 feet to the north line of said Section 29 and a 1/2 inch rebar with no cap;
Thence continuing N00°27'35"W 289.23 feet to a 1/2 inch rebar with no cap;
Thence S89°55'10"E 1,938.76 feet to a 1/2 inch rebar with no cap and the east line of said Government Lot 4 of Section 20;
Thence S00°27'14"E 288.73 feet along the east line of said Government Lot 4 of Section 20 to the POINT OF BEGINNING.

The basis of bearing for this description is N00°27'38"W for the east line of said Government Lot one of said Section 29.

0.265 cfs of Water Rights No 22-13215 and 0.478 cfs of Water Right No. 22-13216 for the combined irrigation of 30 acres of land.

Together with a right-of-way and easement to use the Waddell ditch to transport the water diverted under the above described water rights to the above described property.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

SCANNED

FEB 07 2008

Date: **06/25/2007**

Warranty Deed
- continued

File No.: **194613-T (tm)**

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

SCANNED

FEB 07 2008

Date: 06/25/2007

Warranty Deed
- continued

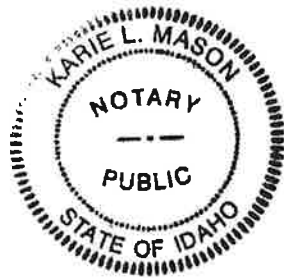
File No.: 194613-T (tm)

The Doris Sylvia Moss Family Trust

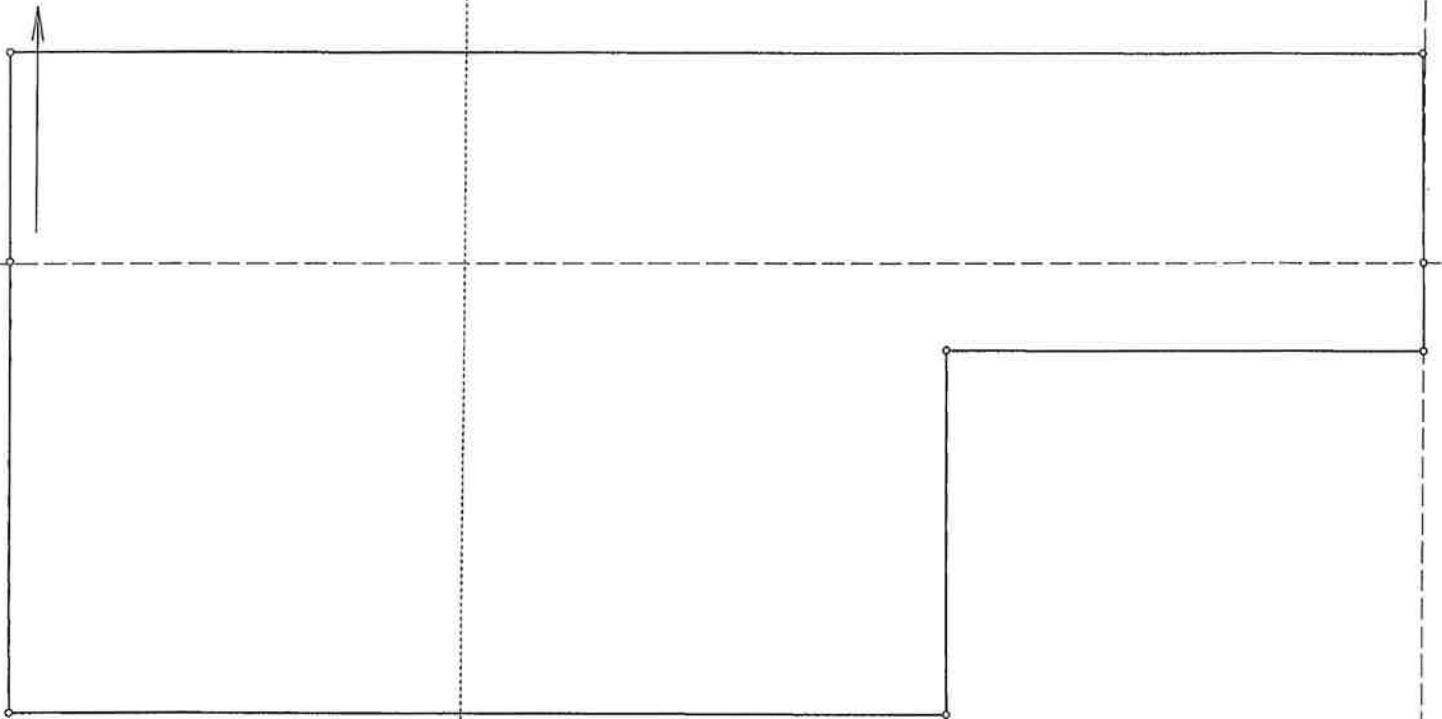
Doris Sylvia Moss Trustee
Doris Sylvia Moss, Trustee

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this 28 day of June, 2007, before me, a Notary Public in and for said State, personally appeared **Doris Sylvia Moss**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **The Doris Sylvia Moss Family Trust** Trust, and acknowledged to me that she executed the same as such Trustee.



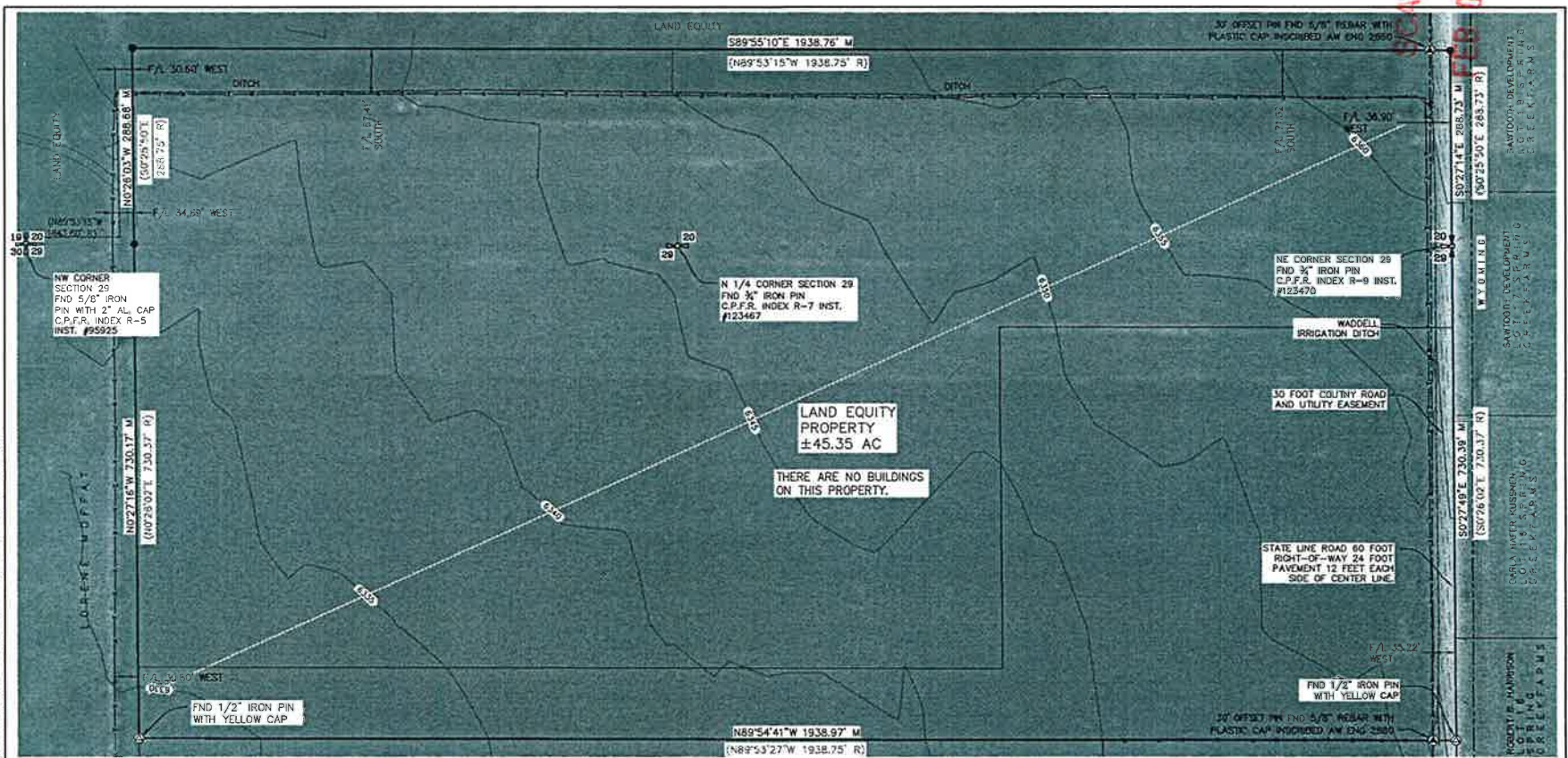
Karie L. Mason
Notary Public of Idaho
Residing at: Victor
Commission Expires: 8-19-2010



Title:		Date: 07-10-2007
Scale: 1 inch = 250 feet	File: Moss Property.des	
Tract 1: 33.000 Acres: 1437476 Sq Feet: Closure = n07.0909w 0.01 Feet: Precision = 1/813547: Perimeter = 5703 Feet		
001=n0.29,29,5n,46e	005=n89.4937w 1277.94	009=s0.2714e 288.73
002=s0.2738e 121.27	006=n0.2735w 622.63	
003=n89.5510w 660.82	007=n0.2735w 289.23	
004=s0.2738e 503.93	008=s89.5510e 1938.76	

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PROPERTY DESCRIPTION:

A PORTION OF THE SOUTH HALF SOUTH HALF OF SECTION 20 AND NORTH HALF NORTH HALF OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 46 EAST OF THE BOISE MERIDIAN, TETON COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 29, SAID CORNER IS MONUMENTED WITH A 3/4" IRON PIN;
 THENCE S00°27'49"E 730.39 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29 TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP;
 THENCE N89°54'41"W 1936.97 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP;
 THENCE N00°27'16"W 730.17 FEET TO THE NORTH LINE OF SAID SECTION 29 AND A 1/2" IRON REBAR WITH NO CAP;
 THENCE N00°26'03"W 288.68 FEET TO A 1/2" IRON REBAR WITH NO CAP;
 THENCE S89°55'10"E 1938.76 FEET TO THE EAST LINE OF SAID SECTION 20 AND A 1/2" IRON REBAR WITH NO CAP;
 THENCE S00°27'16"E 288.73 FEET TO THE POINT OF BEGINNING;

THIS DESCRIPTION CONTAINS 45.35 ACRES MORE OR LESS.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS S00°27'49"E FOR THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29.

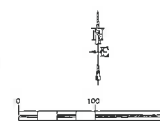


VICINITY MAP
 SCALE: 1" = 2000'
 Located in
 Sections 20&29, T44N, R46E
 Teton County, Idaho

LINDSEY & JAN MOSS

LEGEND

- ① FND 1" REBAR NO CAP
- ② PROPERTY CORNER (5/8" OR 1/2" IRON PIN WITH YELLOW CAP)
- ③ COUNTY ROAD OFFSET (5/8" OR 1/2" IRON PIN WITH CAP INSCRIBED AW ENG 2860)
- ④ MEASURED DISTANCES PER THIS SURVEY
- RECORDED DISTANCES PER INSTRUMENT #141095 & 123476 THE COUNTY CLERK & RECORDER'S OFFICE OF TETON COUNTY, IDAHO
- CANAL OR DITCH
- SITE BOUNDARY
- SECTION LINE
- FENCE LINE
- COUNTY ROAD RIGHT-OF-WAY
- EASEMENT AS NOTED



TO SPENCER THUNELL:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES APPLICABLE ITEMS FROM TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS LAND SURVEYOR REGISTERED IN THE STATE OF IDAHO, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

OWNER
 SPENCER THUNELL
 STREET: 1777 SUN PEAK DRIVE
 CITY: PARK CITY,
 ST: UT,
 ZIP: 84098
 PHONE: 435-645-9005



ALTA/ACSM LAND
 TITLE SURVEYS

SPENCER THUNELL

LOCATED IN THE

S 1/2 S 1/2 SECTION 20 AND N 1/2 N 1/2 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 46 EAST OF THE BOISE MERIDIAN, TETON COUNTY, IDAHO

PLAT PREPARED 14 MARCH 2007

SHEET
 1 OF 1

NELSON ENGINEERING 30 N. 1ST EAST DRIGGS, ID 83422 (208) 354 2087
 SURVEYED: NE 2/7/2007 DRAWN: SRJ REVIEW: JH, PLS PROJECT NO. 07-1004-01

22-13215
22-13216

T05N R46E

SESW

SWSE

Lot 4

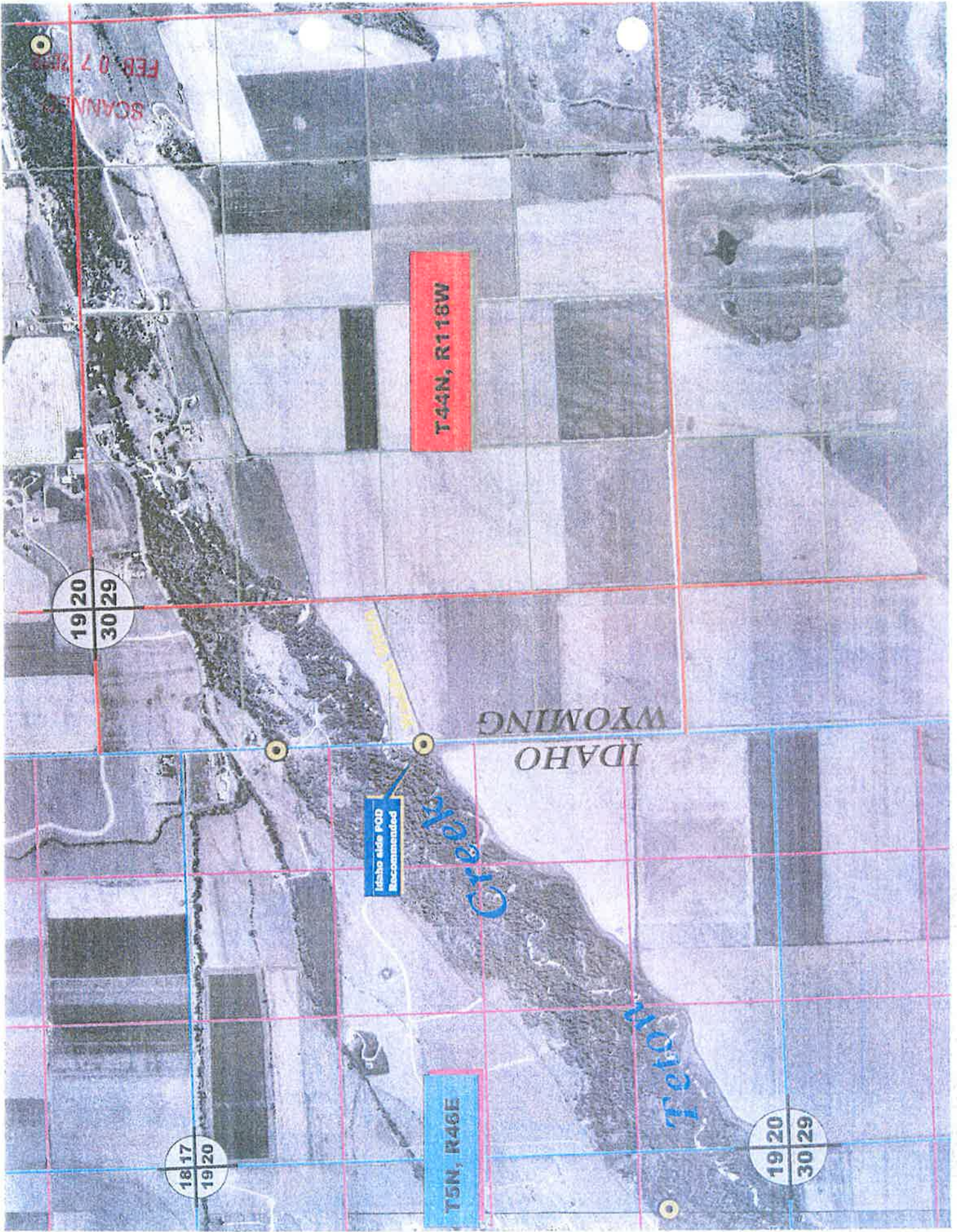
19 20
30 29

NENW

NWNE

Lot 1

SCANNED
FEB 07 2008



SCANNED
FEB 07 2003

T44N, R116W

19 20
30 29

IDAHO
WYOMING

Idaho side POD
Recommended

T5N, R46E

18 17
19 20

19 20
30 29



State of Idaho

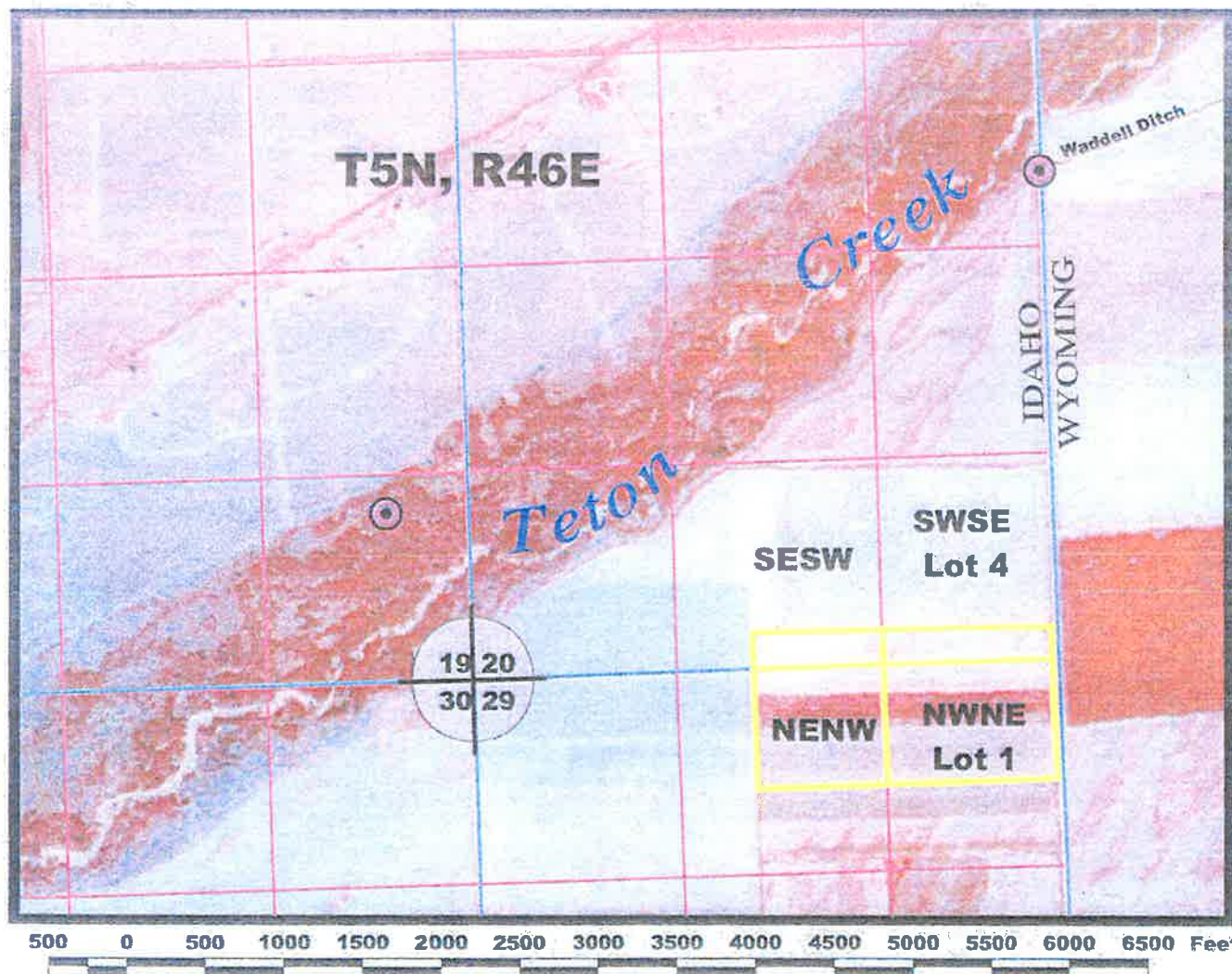
Department of Water Resources

Eastern Region



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Water Right(s):

22-13215,
22-13216

Point(s) of Diversion:

T5N, R46E
Sec. 20 SESWNE (L3)

Place of Use: (parts of)

T5N, R46E
Sec. 20 SESW, SWSE (L4)
Sec. 29 NENW, NWNE (L1)

Delivery through Waddell 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: January 2005