

12/21/2007

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

RIGHT NUMBER: 22-13808

NAME AND ADDRESS: TETON VENTURES LLC
153 N 4663 E
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.200 CFS
180.00 AFY

PRIORITY DATE: 10/31/1977

POINT OF
DIVERSION:

T04N R45E S12 SWNENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.200 CFS 180.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S12	NWNW	39.00	T04N R45E S12	SWNW	21.00
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60 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 22-7264.

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM GARDEN WATER COMPANY.

SCANNED
FEB 07 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

December 21, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

TETON VENTURES LLC
153 N 4663 E
RIGBY ID 83442

RE: Notice of Change of Water Right Ownership (NCO) for
22-7264 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

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: Paris Penfold

SCANNED

FEB 07 2008

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: 22-7264 SPLIT
INTO 22-13808 & 22-13809

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

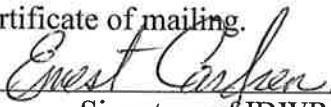
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (SPLIT PENFOLD-TETON VENTURES)
- ☐ 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: 1-15-08



Signature of IDWR Representative

SCANNED

FEB 07 2008

CERTIFICATE OF MAILING

I certify that on January 18, 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:
PARIS PENFOLD
207 S 175 E
DRIGGS ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
TETON VENTURES LLC
153 N 4663 E
RIGBY ID 83442

4. One copy to:

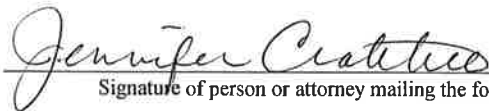
Each party in the subcase, or attorney of record
N/A

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

SCANNED

FEB 07 2008

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

RECEIVED
 DEC 18 2007
 Department of Water Resources
 Eagle-Idaho

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)
22-7264	22-13808 22-13809	yes			

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**.

Per Ernie Carlsew. Both children should be in name of Teton Ventures. JC 1-17-08

3. Name and Address of Former Owner/Claimant(s)

Paris Penfold

driggs, Id

4. New Owner/Claimant(s)

Teton Ventures LLC

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

New Mailing Address

153 N. 4663 E.

City, State and ZIP Code

Rigby, ID 83442

New Telephone Number

(208) 390-4676

Email:

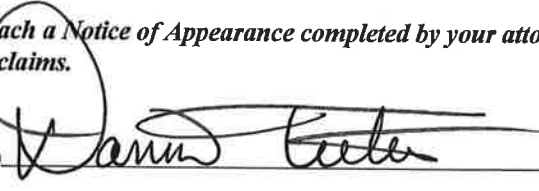
dt@ridgelineproperties.com

5. Date you acquired the property

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)  Owner.
(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 _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

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

SCANNED

FEB 07 2008

APR 17 2006

TETON COUNTY
CLERK OF DISTRICT COURT

56753

WHEN RECORDED, RETURN TO:
 Ronald G. Moffitt, Esq.
 Steel Rives, LLP
 201 South Main Street, Suite 1100
 Salt Lake City, Utah 84111

Instrument # 176111

DRIGGS, TETON, IDAHO

2006-04-14

02:23:50 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE CO

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

WARRANTY DEED

For good and valuable consideration, PARIS PENFOLD and JANET PENFOLD, husband and wife, (together, the "Grantor"), hereby conveys and warrants to TETON VENTURES LLC, an Idaho limited liability company (the "Grantee"), located and having a mailing address at c/o George McDaniel, 2425 North 60th East, Idaho Falls, Idaho 83406 that certain property, together with any and all interests, rights and appurtenances thereto, as well as any and all improvements thereon (if any), situated in Teton County, Idaho, as more particularly described as:

TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY,
 IDAHO

SECTION 12: NW1/4

176111

LESS AND EXCEPTING the existing County Road right of way along the North boundary on the above described property

(the "Subject Property"). TO HAVE AND TO HOLD the Subject Property, together with all tenements, hereditaments, and appurtenances thereunto belonging, (collectively, the "Property"), unto the Grantee, and its successors and assigns, forever. The Grantor does hereby covenant to and with the Grantee that the Grantee is owner in fee simple of the Property and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED as of the 14th day of April, 2006.

By:

Paris Penfold

By:

Janet Penfold

STATE OF IDAHO

: ss.

COUNTY OF TETON

On this 14th day of April, 2006, before me, a Notary Public in and for said State, personally appeared Paris Penfold and Janet Penfold, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed same.

TERESA K. MANGUM
 NOTARY PUBLIC
 STATE OF IDAHO

NOTARY PUBLIC

Residing at: Driggs

Commission: 07-24-09

176111

SCANNED

FEB 07 2008

179392

179474

RECORDING REQUESTED BY
First American Title Company

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

Instrument # 179474

DRIGGS, TETON, IDAHO
2006-08-15 02:35:58 No. of Pages: 5
Recorded for : FIRST AMERICAN
NOLAN G. BOYLE
Ex-Officio Recorder Deputy *NGB*
Index to: DEED, WARRANTY

Instrument # 179392

DRIGGS, TETON, IDAHO
2006-08-11 03:50:17 No. of Pages: 3
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE
Ex-Officio Recorder Deputy *NGB*
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 167387-T (1m)

Date: August 10, 2006

For Value Received, **Teton Ventures, LLC, an Idaho Limited Liability Company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **George McDaniel and Wendy McDaniel, husband and wife as to an undivided 72% interest, Colby Hackbarth a married man as his sole and separate property as to an undivided 10% interest, Darrin Teeter, a married man as his sole and separate property as to an undivided 10% interest and Warren Kirk, a married man as his sole and separate property as to an undivided 8% interest**, hereinafter called the Grantee, whose current address is **155 N. Woodruff, Idaho Falls, ID 83401**, the following described premises, situated in **Teton County, Idaho**, to-wit:

TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO

SECTION 12: NW1/4

LESS AND EXCEPTING THEREFROM THE EXISTING COUNTY ROAD RIGHT-OF-WAY ALONG THE NORTH BOUNDARY OF 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.

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.

Water right 22-7264.

86 acres of water is being retained by Grantor. Grantor shall have the right to transfer, change the point of diversion and the place of use on the retained 86 acres of water, 1.72 CFS.

179392

SCANNED

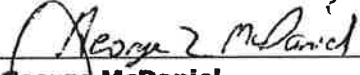
FEB 6 7 2008

179474

Date: 08/10/2006

Warranty Deed
- continued

File No.: 167387-T (Im)



George McDaniel

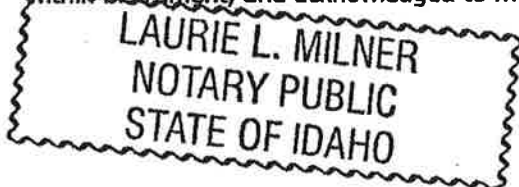

Darrin Teeter

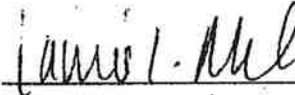
Warren Kirk


Colby Hackbarth

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **George McDaniel**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

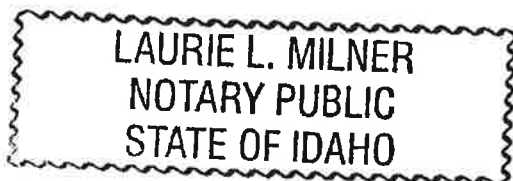


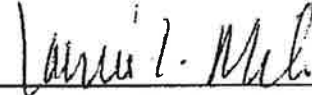


Notary Public for the State of Idaho
Residing at: *Tetonia*
My Commission Expires: *8/19/2011*

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **Darrin Teeter**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.





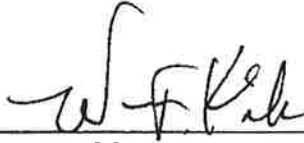
Notary Public for the State of Idaho
Residing at: *Tetonia*
My Commission Expires: *8/19/2011*

Date: 08/10/2006

Warranty Deed
- continued

File No.: 167387-T (lm)

George McDaniel



Warren Kirk

Darrin Teeter

Colby Hackbarth

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **George McDaniel**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public for the State of Idaho
Residing at:
My Commission Expires:

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **Darrin Teeter**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public for the State of Idaho
Residing at:
My Commission Expires:

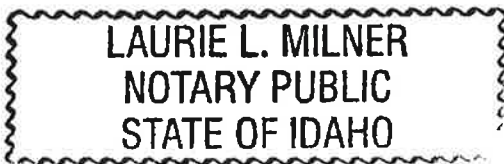
Date: 08/10/2006

Warranty Deed
- continued

File No.: 167387-T (1m)

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **Colby Hackbarth**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Laurie L. Milner
Notary Public for the State of Idaho
Residing at: Teton, ID
My Commission Expires: 8/17/2011

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **Warren Kirk**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public for the State of Idaho
Residing at:
My Commission Expires:

179474

179392

SCANNED

FEB 07 2008

Date: 08/10/2006

Warranty Deed
- continued

File No.: 167387-T (Im)

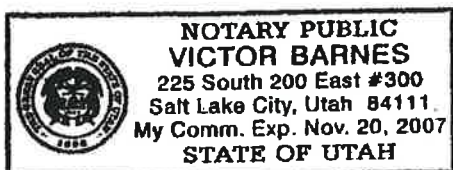
STATE OF Idaho)
SS.
COUNTY OF Teton)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **Colby Hackbarth**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public for the State of Idaho
Residing at:
My Commission Expires:

STATE OF ~~Idaho~~ *Utah*)
SS.
COUNTY OF ~~Teton~~ *Salt Lake*)

On this **Tenth day of August, 2006**, before me, a Notary Public in and for said State, personally appeared **Warren Kirk**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Victor Barnes

Notary Public for the State of Idaho *Utah*
Residing at: *Centerville*
My Commission Expires: *11-20-07*

179474

SCANNED
FEB 07 2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-7264 V1

WATER RIGHT NUMBER: 22-7264 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FARM CREDIT BANK OF SPOKANE 2225 W BROADWAY STE A IDAHO FALLS, ID 83402 (208)552-2300
Current Owner	PARIS PENFOLD 207 S 175 E DRIGGS, ID 83422 (208) 709-5411

Priority Date: 10/31/1977

Basis: License

Status: **Parent**

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	2.920 CFS	438.00 AF
	<u>Total Diversion:</u>	2.920 CFS	438.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NW1/4	Sec. 12, Twp 04N, Rge 45E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	12					39.0	39.0	34.0	34.0									146.0

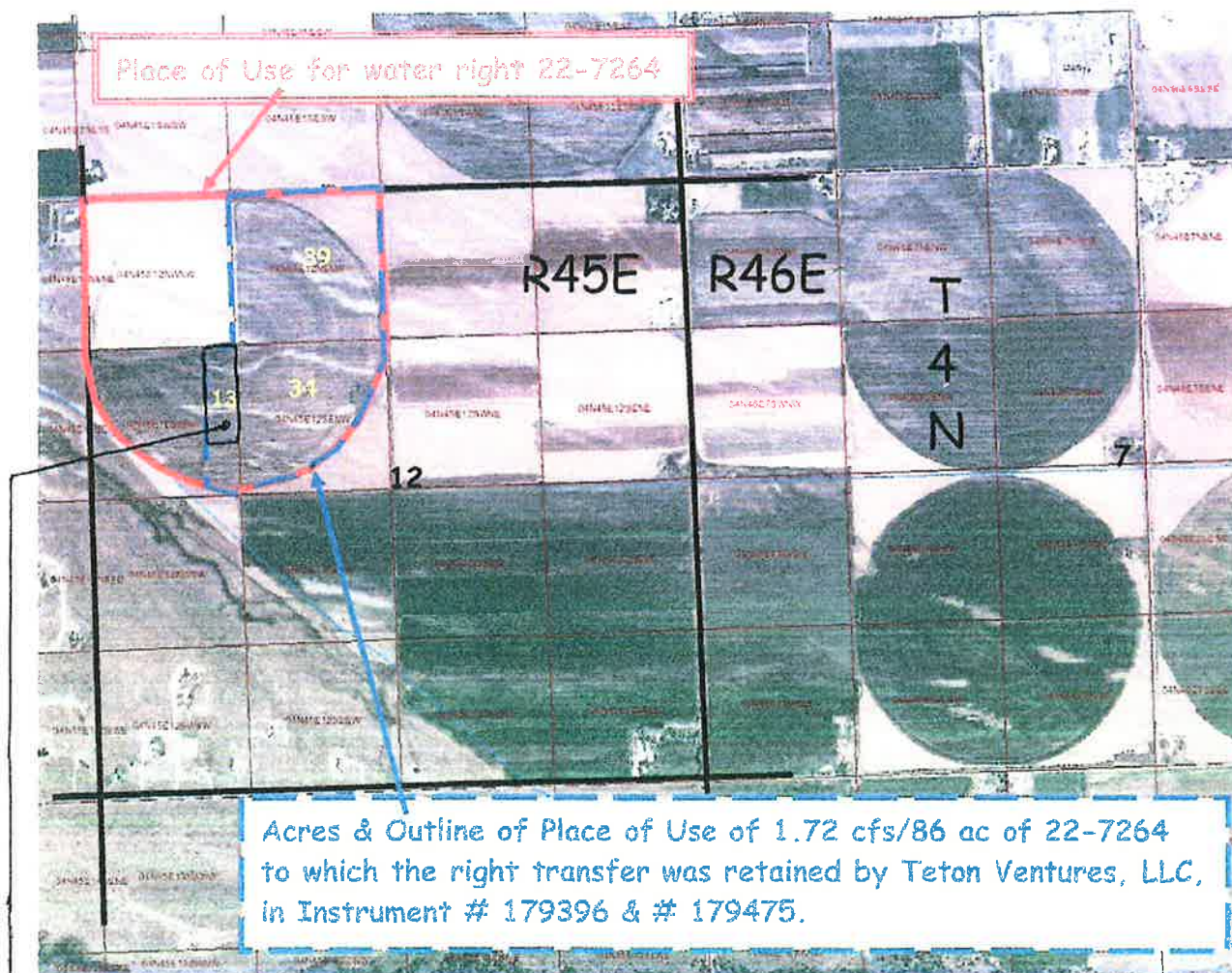
Total Acres: 146

Conditions of Approval:

1. SPLIT RIGHT: SEE RIGHT NOS. 22-13808 and 22-13809.
2. C18 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.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. E11 USE OF THIS RIGHT IS COMBINED WITH WATER FROM GARDEN WATER COMPANY.

Remarks:

SCANNED
FEB 07 2008



When the land in the NW $\frac{1}{4}$ of Section 12, T4N, R46E, was sold to Ironwood Land, LLC., a Utah Corp (Instruments #179396 & # 179475) only a portion of water from water right 22-7264 (1.20 cfs on 60 acres) went with the sale. Teton Ventures, LLC retained the right to transfer 1.72 cfs for 86 acres, the remaining portion of water from water right 22-7264.

I/we agree that the acres of water of water right 22-7264 (1.72 cfs for 86 acres) illustrated above were retained by Teton Ventures, LLC. I/we have also identified the 8 acres that were sold to Idaho Water Company, LLC, Del Kohtz, on August 18, 2007.

Location of 8 acres of water.

Colby Hackbarth

Date

Darrin Teeter

Darrin Teeter

10-10-07

Date