Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

RECEIVED
DEC 15 2014
DEPARTMENT OF WATER RESOURCES

December 12, 2014

RMEA 14-0016

Idaho Department of Water Resources
Attn: Remington Buyer
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: Application for Extension of Time Water Right Nos. 22-7347 and 22-13210

Dear Mr. Buyer,

Enclosed are two Applications for Extension of Time to Avoid Forfeiture for water rights within Teton Reserve PUD near Driggs, Idaho. The requests for Extension of Time are justifiable for several reasons, the most relevant are as follows: (1) The downturn in the economy hit the Teton Valley as hard as any other area of Idaho. Therefore, these economic challenges substantially delayed development within the Teton Reserve PUD, leaving many of the open spaces and undeveloped lots un-irrigated since about 2009. (2) Although the original water right holders to the above described water rights fully intended to reserve the water rights for the use and benefit of the entire Reserve and its members, as described below, when lots were actually sold, the deeds did not contain the reservation language. (3) The owners of the several lots which were purchased did not and do not fully appreciate the fact that there is an issue with water rights reserved or not reserved upon each of their lots. Furthermore, the lot owners are NOT fully using the water on their individual lots and therefore, they are unaware that the rights may be lost for non-use if the above water rights are not granted an extension of time in which to fully develop their rights.

The water rights have not be updated to the present owners and therefore are presently shown on IDWR's records as vested in Teton Valley Golf Association. It is appropriate that TR Golf LLC, the immediate successor in interest of Teton Valley Golf Association (see attached executed quitclaim deed from Teton Valley Golf Association to TR Golf LLC), be allowed to file Applications for Extension of Time for the entire water rights described above in order to allow the present owners of the individual lots and the balance of the present owners of Teton Reserve PUD to fully develop the water rights and resolve issues they might have among themselves as to any share of the above water rights which may have passed with the lots sold.

It should be noted that the two golf courses and minor landscaping along the entrance to the PUD have continued to be irrigated from the beginning of the development of the PUD, and thus forfeiture is not an issue on these acres. Nevertheless, because the above water rights have not been divided as among the various uses and lots due to the PUD having not been fully developed, it is appropriate that the entire water rights be included in the Applications for Extension of Time.

482 CONSTITUTION · IDAHO FALLS, IDAHO 83402-3537 · (208) 524-2353 · FAX (208) 524-1795
www.rockymountainenvironmental.com

As described above, in the initial stages of developing Teton Reserve PUD, the original developers intended to reserve the irrigation water rights for use on all open spaces and the golf courses. The plat map and covenants clearly attest to this intention. However, the water rights were not properly reserved on the deeds for lots which have been sold, denying the current owner, TR Golf LLC, the automatic authority to update and preserve the water rights on behalf of the entire PUD and lot owners. However, in its fiduciary capacity, TR Golf LLC is in the process of clarifying the ownership of the water rights to obtain the authority to file necessary paperwork and develop the water rights. Therefore, in its fiduciary capacity, TR Golf LLC should be allowed to file the Request for Extension of Time to preserve the water rights during the interim. Upon resolution of the water rights issues, ownership records will be updated to reflect the settled water right owners.

It is clearly in the best interest of all who have invested in lands within the PUD that these water rights be preserved through an Extension of Time. We are also enclosing a copy of a quitclaim deed executed by Teton Valley Golf Association LP to TR Golf LLC to insure that any remaining interest that Teton Valley Golf Association might have had will be transferred to TR Golf.

Please include Rocky Mountain Environmental and Jerry R. Rigby of Rigby, Andrus & Rigby Law, PLLC, in all correspondence.

Thank you,

Kristin Moore

Kristin Moore
Water Rights Analyst

Enclosures: Two Applications for Extension of Time to Avoid Forfeiture
Map of Water Rights
Quitclaim Deed

Cc: Jerry Rigby
Bruce Hollis, TR Golf LLC
Skyler Allen, Keller Associates, Inc.
Teton Valley Golf Association

WATER RIGHT NO. 22-13210

Owner Type	Name and Address		
Current Owner	TETON VALLEY GOLF ASSOC C/O HOPKINS FINANCIAL SERVICES 910 E CAROL MERIDIAN, ID 83646 (208)467-5467	Security Interest	HOPKINS MORTGAGE FUND LLC PO BOX 670 MERIDIAN, ID 83680

Priority Date: 03/24/1981
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	1.56 CFS	273 AFA
Total Diversion			1.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 35	Township 04N	Range 45E	TETON County

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	36		NWNE	39		SWNE	39						

Total Acres: 78

Conditions of Approval:

1. P21 This right is a split from former right 22-7352.
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.

Decreed Date: 11/24/2008

WATER RIGHT NO. 22-7347

Owner Type	Name and Address		
Current Owner	TETON VALLEY GOLF ASSOC C/O HOPKINS FINANCIAL SERVICES 910 E CAROL MERIDIAN, ID 83646 (208)467-5467	Security Interest	HOPKINS MORTGAGE FUND LLC PO BOX 670 MERIDIAN, ID 83680

Priority Date: 02/18/1981
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	06/01	10/01	3.94 CFS	591 AFA
Total Diversion			3.94 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 35	Township 04N	Range 45E	TETON County

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	35		NENE	6		SENE	33						
		36		NENW	39		NWNW	39		SWNW	40		SENW	40

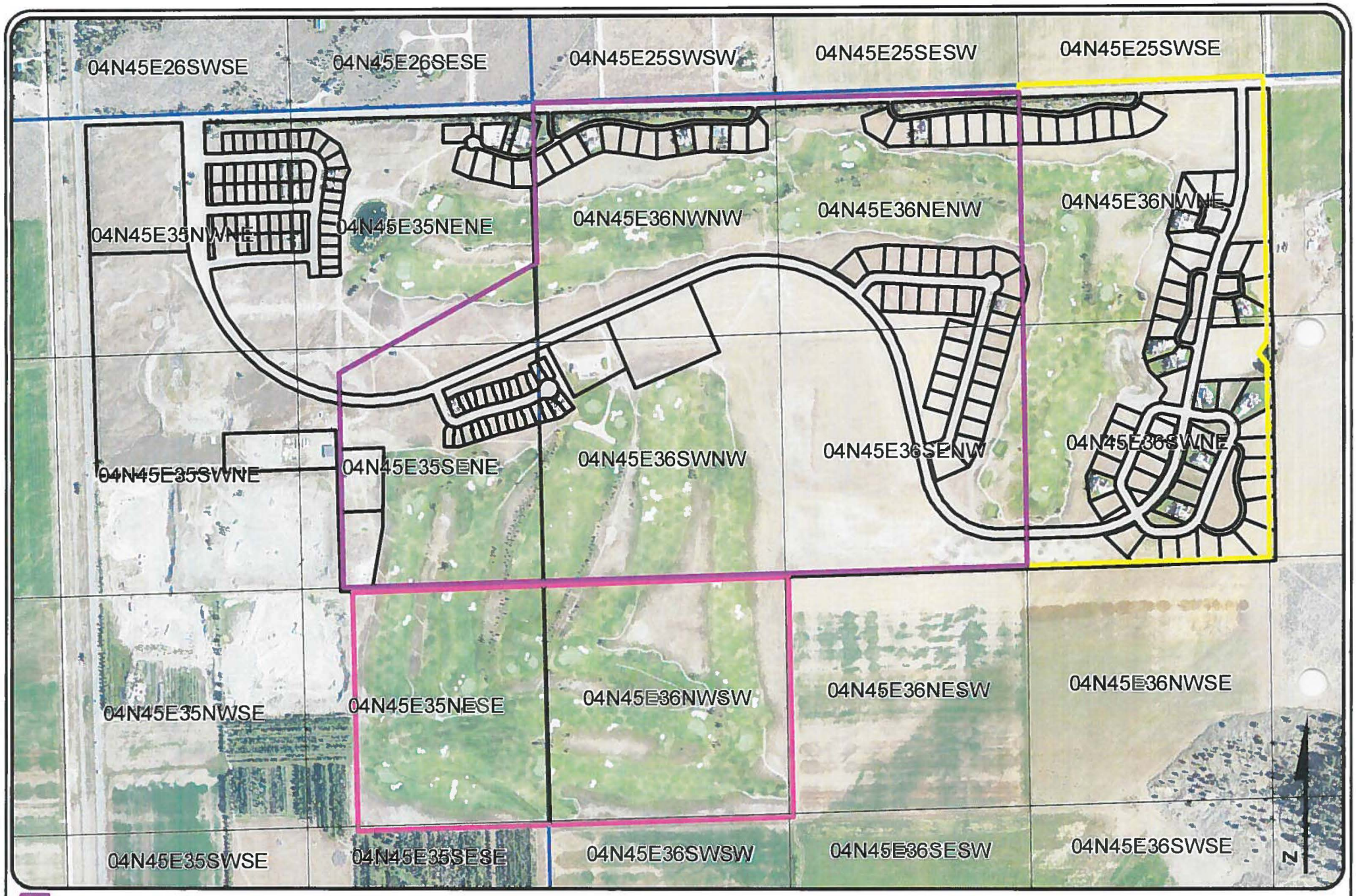
Total Acres: 197

Conditions of Approval:

1. 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.

2. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Decreed Date: 11/24/2008
Permit Proof Due Date: 6/1/1984
Permit Proof Made Date: 4/11/1984
Permit Approved Date: 5/29/1981
Application Received Date: 02/18/1981



WR Place of Use 22-7347
WR Place of Use 22-13210
Trail Creek Shares Location
Teton Reserve Parcels
Township and Range
Section
QQ
2013 NAIP Photography

App. for Extension of Time

Teton Reserve

0 300 600 1,200 Feet

Some parcel data is taken from Teton County GIS Database and are subject to their accuracy disclosures.

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

Instrument # 234855
TETON COUNTY, IDAHO
12-12-2014 09:23:11 No. of Pages: 10
Recorded for: ALLIANCE TITLE - REXBURG OFFICE
MARY LOU HANSEN Fee: $37.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, QUIT-CLAIM

ALLIANCE TITLE & ESCROW
130 EAST MAIN
REXBURG, ID 83440

This instrument filed as an accommodation only. It has not been examined as to its execution, insurability or effect on title.

QUITCLAIM DEED

FOR VALUE RECEIVED, Teton Valley Golf Associates LP, an Idaho limited partnership with its principal place of business in care of Hopkins Financial Services, Inc. 910 E Carol St, Meridian, ID 83646, "Grantor" does hereby remise, release and forever QUITCLAIM unto, TR GOLF, LLC., an Idaho limited liability company with its principal place of business located at 1732 Canyon Oak Dr., Mt. Pleasant, SC 29464, "Grantee", its interest held, in and to the following described water rights in the State of Idaho:

> Any and all water and water rights located upon the real estate described in Exhibit A attached hereto, including but not limited to water right numbers 22-7347, 22-13210, and 22-13244.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

DATED This 9th day of December, 2014.

TETON VALLEY GOLF ASSOCIATES LP
By Broadmoor Company, Inc., General Partner

By: P.J. Wascher, Secretary

STATE OF ASHINGTON)
)ss
. County of King)

On this 9th day of December, in the year 2014, before me, the undersigned, a Notary Public, personally appeared P.J. Wascher, Secretary of Broadmoor Company, Inc. the General Partner of Teton Valley Golf Associates LP, and known or identified to me, to be the Secretary of the general partner in the partnership of Teton Valley Golf Association, LP who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

ERICKA L COLEMAN
COMMISSION EXPIRES
NOTARY PUBLIC
06-15-15
STATE OF WASHINGTON

Notary Public for: Washington
Residing at: Bothell
My Commission expires: 6/15/15

Recorded Electronically
ID 234855
County Teton
Date 12-12-14 Time 09:23:11
Simplifile.com 800.460.5657

ALLIANCE TITLE & ESCROW
130 EAST MAIN
REXBURG, ID 83440

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DATED This 9th day of December, 2014.

TETON VALLEY GOLF ASSOCIATES LP
By Broadmoor Company, Inc., General Partner

By: P.J. Wascher, Secretary

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. County of King)

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ERICKA L COLEMAN
COMMISSION EXPIRES
NOTARY PUBLIC
06-15-15
STATE OF WASHINGTON

Notary Public for: Washington
Residing at: Bothell
My Commission expires: 6/15/15

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EXHIBIT A

PAGES 1 - 9

Click any column to sort table												
Options	Type	Basin	Sequence	Suffix	Application Number	Basis	Status	Priority Date	Div. Rate (cfs)	Source	Water Use	Owner
Details More Options	Water Right	22	7347			Decreed	Active	02/18/1981	3.94	GROUND WATER	IRRIGATION	TETON VALLEY GOLF ASSOC
Details More Options	Water Right	22	13210			Decreed	Active	03/24/1981	1.56	GROUND WATER	IRRIGATION	TETON VALLEY GOLF ASSOC
Details More Options	Water Permit	22	13244				Active	05/04/2002	2.05	GROUND WATER	DOMESTIC, FIRE PROTECTION	TETON VALLEY GOLF ASSOC

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/9/2014

WATER RIGHT NO. 22-7347

Owner Type	Name and Address
Current Owner	TETON VALLEY GOLF ASSOC C/O HOPKINS FINANCIAL SERVICES 910 E CAROL MERIDIAN, ID 83646 (208)467-5467
Original Owner	PARRISH LANE RANCH LTD PARTNERSHIP 163 E 525 S VICTOR, ID 83455-5240 (801)583-0705
Original Owner	CHARLES M PARRISH 1030 MILITARY DR SALT LAKE CITY, UT 84105
Security Interest	HOPKINS MORTGAGE FUND LLC PO BOX 670 MERIDIAN, ID 83680

Priority Date: 02/18/1981
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	06/01	10/01	3.94 CFS	591 AFA

PAGE 2 – EXHIBIT A

Total Diversion		3.94 CFS

Location of Point(s) of Diversion:

GROUND WATER | NENE | Sec. 35 | Township 04N | Range 45E | TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	35		NENE	6		SENE	33						
		36		NENW	39		NWNW	39		SWNW	40		SENW	40

Total Acres: 197

Conditions of Approval:

1.	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.
2.	01C	A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Dates:
Licensed Date:
Decreed Date: 11/24/2008
Permit Proof Due Date: 6/1/1984
Permit Proof Made Date: 4/11/1984
Permit Approved Date: 5/29/1981
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/18/1981
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/9/2014

WATER RIGHT NO. 22-13210

Owner Type	Name and Address
Current Owner	TETON VALLEY GOLF ASSOC C/O HOPKINS FINANCIAL SERVICES 910 E CAROL MERIDIAN, ID 83646 (208)467-5467
Security Interest	HOPKINS MORTGAGE FUND LLC PO BOX 670 MERIDIAN, ID 83680

Priority Date: 03/24/1981
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	1.56 CFS	273 AFA
Total Diversion			1.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NENE | Sec. 35 | Township 04N | Range 45E | TETON County

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Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	36		NWNE	39		SWNE	39						

Total Acres: 78

Conditions of Approval:

1.	P21	This right is a split from former right 22-7352.
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.

Dates:
Licensed Date:
Decreed Date: 11/24/2008
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

12/9/2014

WATER RIGHT NO. 22-13244

Owner Type	Name and Address
Current Owner	TETON VALLEY GOLF ASSOC C/O HOPKINS FINANCIAL SERVICES 910 E CAROL MERIDIAN, ID 83646 (208)467-5467
Representative	ERO RESOURCES CORP C/O DAVID SHAW 4001 E MAIN ST EMMETT, ID 83617 (208) 365-7684
Security Interest	HOPKINS MORTGAGE FUND LLC PO BOX 670 MERIDIAN, ID 83680

Priority Date: 05/04/2002
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	01/01	12/31	0.75 CFS	
FIRE PROTECTION	01/01	12/31	2.05 CFS	
Total Diversion			2.05 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 35	Township 04N	Range 45E	TETON County
GROUND WATER	NENE	Sec. 35	Township 04N	Range 45E	TETON County
GROUND WATER	NWNE	Sec. 36	Township 04N	Range 45E	TETON County

DOMESTIC Use:
Number of homes: 384

Place(s) of use:

Place of Use Legal Description: DOMESTIC TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	35		NENE			NWNE			SWNE			SENE	
				NESE										
		36		NWNE			SWNE							
				NENW			NWNW			SWNW			SENW	
				NWSW										

Place of Use Legal Description: FIRE PROTECTION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	35		NENE			NWNE			SWNE			SENE	
				NESE										
		36		NWNE			SWNE							
				NENW			NWNW			SWNW			SENW	
				NWSW										

Conditions of Approval:

1.	26A	Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

2.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3.	X01	Domestic use is for 384 homes.
4.	070	The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
5.	071	The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6.	077	Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7.	01M	After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Dates:
Proof Due Date: 09/01/2012
Proof Made Date: 10/30/2012
Approved Date: 09/11/2002
Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 10/14/2005
Protest Deadline Date: 08/22/2005
Number of Protests: 0
Field Exam Date::
Date Sent to State Off:
Date Received at State Off:

Other Information:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close