

MEMORANDUM

Date: November 5-14, 2008
To: Water Right File 22-7786
From: medl
Re: permit reinstatement

November 5, 2008

At Debbie Gibson's request, I phoned Jamie Boos, the contact with Nelson Engineering. She had submitted some documents directed toward reinstating a lapsed permit held by Teton Creek Resort. I explained that the package of documents she sent for reinstatement was incomplete. We needed an excuse letter sent ASAP and reminded her that the priority date was being impacted. I gave her my email address and FAX number.

I also discussed with Jamie appropriation through additional wells. The lapsed permit she was attempting to reinstate has only two points of diversion but three wells have been drilled to date. The permit lapse date relative to the date when the water system was connected to and supported by the third well will be critical to establishing any beneficial use in Phase III. Department 2004 and 2006 NAIP photography verifies above ground construction in Phase I and Phase II before permit lapses in 2007. However, no above ground construction is visible in Phase III. Phase III as-built drawings are dated after the lapse date and the submitted project map (Drawing 1 Job 07-1053-01) dated 8/6/08, states no above ground construction.

November 10, 2008

I noticed that the Proof statement was signed by the engineer not the permit holder. I phoned Nelson Engineering and talked with Jamie Boos. I requested a copy of their power of attorney with the permit holder. Jamie stated that she would prefer to have the permit holder sign another completed Proof of Beneficial Use statement and FAX that to me. A faxed copy of the proof statement arrived at 2:00 p.m.

We also briefly discussed that no beneficial use had been established from the south well based on the drawings that had been submitted to date. Jamie stated that construction of the Phase III system had occurred in the summer of 2007. She has weekly construction documents which will verify construction before the proof date. I requested copies of them.

With the construction reports, I had enough information to establish beneficial use had occurred before the permit lapsed. Because the above ground construction was domestic I asked Jamie for information supporting commercial use. She provided a contact with Teton County planning and zoning and the plats of the PUD zoning for Teton Creek Resort which designated several lots as either lodge or commercial.

November 13, 2008

I received a call from Jamie Boos. She wanted an update on the status of the reinstatement and responded to my request to provide the Department with the original signed proof statement. The original is mailed. I told her that I had drafted an order but because the Bureau Chief was not available to sign, it would be several days before they would receive it. Jamie said she would welcome seeing the reinstatement and said something to the effect that the permit holder is almost 'out of here'.

Edl, Michele

From: Jamie Boos [jboos@nelsonengineering.net]
Sent: Monday, November 10, 2008 4:05 PM
To: Edl, Michele
Subject: RE: Construction Inspection Reports
Attachments: 070730 Inspection Report.pdf; 070802 Inspection Report.pdf; 070727 Inspection Report.pdf

Please see the attached inspection reports. They depict the water services being installed. The services should also be shown on the Phase III as built. Services were installed for Lots 10 and 18– Lodge unit lots, Lot 19 – Recreation lot which are all zoned commercial. All other lots in Phase III are condominium lots.

Please let me know if you need anything further.

Thanks
 Jme

Jamie E. Boos, PE
 Project Engineer



30 North 1st East □\$B!□(B Driggs, Idaho 83422
 (208) 354-2087 □\$B!□(B (208) 354-2089 Fax

*This email is confidential. If you are not the intended recipient,
 you must not disclose or use the information contained in it.
 If you have received this email in error, please notify us
 immediately by return email and delete this document.*

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Monday, November 10, 2008 3:04 PM
To: Jamie Boos
Subject: RE: Construction Inspection Reports

Thank you, Jamie.

From these reports I can see that the Phase III mainlines have been put in before the 9/1/2007 proof date. You are getting closer but I need more information, if you have it.

The Department needs to see proof of water use in order to resurrect a lapsed permit. (For example, drilling a well only proves that you have accessed the source but not that you have put the water to use.) A water supply system is similar in that proving that the system is in place does not prove water is put to use.

However, subdivision developers cannot plan on when the lots will be sold. So in the case of subdivisions, the Department uses a stub-in policy that requires the developer to provide documentation of stub-ins/connections for potential homes or condos in order to □\$B!F□(Bprove□\$B!G□(B use. In other words, when the water users are not yet in place, we require developers prove that they have done all they can to provide water to the users that they expect.

You have provided proof that the Phase III mainlines were in place but I need to see proof that the stub-ins or connections were in-place.

If you have it, I also need proof that the connections for commercial use are in place. I do not have any substantiation that any commercial use has been established in Phase I or elsewhere in this development.

If I were to reinstate the permit with the information I have today, it would **not** have commercial use.

Sincerely,

11/10/2008

Michele

P.S.

Something in your emails is requesting that I launch a Japanese language pack, which I am not doing. Let me know if I am missing something.

From: Jamie Boos [mailto:jboos@nelsonengineering.net]

Sent: Monday, November 10, 2008 12:29 PM

To: Edl, Michele

Subject: Construction Inspection Reports

Michele-

Please see the attached construction inspection reports. I have hundreds of these, that were completed daily during construction season last summer. This corresponds to the as-builts from Phase III. The as-built drawings were done in 2008, but the work was completed July thru September. Please let me know if you need more evidence, as I have some more things I could pull up.

I am working on getting the permit signed and faxed to you by the owner.

Thanks
Jme

Jamie E. Boos, PE
Project Engineer



30 North 1st East □\$B!|□(B Driggs, Idaho 83422
(208) 354-2087 □\$B!|□(B (208) 354-2089 Fax

*This email is confidential. If you are not the intended recipient,
you must not disclose or use the information contained in it.
If you have received this email in error, please notify us
immediately by return email and delete this document.*

11/10/2008



Compaction of lift station



Installation of water line on going



6" water main below pressure sewer. Told A+ to sleeve the sewer line.

DAILY INSPECTION REPORT

NELSON ENGINEERING

30 N 1st E

Driggs, ID 83422

208-354-2087 FAX 208-354-2089

INSPECTED BY: Greg Galbreth

COMPANY: Nelson

1) Project: Teton Resort Phase III		3) Contractor: Cody Thompson	
Project No: 06-366d-07		Superintendent: Supervisor: Cody Thompson	
Date: 7/30/2007		Crews & Equipment Active:	
2) Weather: 88F		Crew Roller	
4) Description Of Work Performed: <u>Ph III:</u>		1 Trackhoe Backhoe	
		Grader Screening Plant	
		Loader Dozer	
		2 Dump trucks	
Back fill of lift station, does not appear the station was compacted.			
Working on water services on south side of water line. Water line approaching end.			
			
8) Check If Photos Were Taken ☒ x		9) Signature: _____ Date: _____	
Check if Report Continues on Back _____		Reviewed By: _____ Date: _____	

DAILY INSPECTION REPORT

NELSON ENGINEERING

30 N 1st E

Driggs, ID 83422

208-354-2087 FAX 208-354-2089

INSPECTED BY: Greg Galbreth

COMPANY: Nelson

1) Project: Teton Resort Phase III		3) Contractor: Cody Thompson	
		Superintendent: Supervisor: Cody Thompson	
Project No: 06-366d-07		Crews & Equipment Active:	
Date: 8/2/2007		Crew Roller	
		2 Trackhoe Backhoe	
		Grader Screening Plant	
2) Weather: 69F Overcast with occasional rain		1 Loader 1 Dozer	
4) Description Of Work Performed: <u>Ph III:</u>		Dump trucks	
Lift Station left open. Asked Tyrell to fence the lift station and sump. Completed the water services on the south side of road, now working on water service on the North side. Water main has been buried, asked Tyrel about compaction and he stated that it was "Wheel packed" Showed Tyrel the schematic of proper installation of fire hydrants and also gave him the letter from the fire marshall stating inspections are needed to be done by fire department before burial. Waterline on Creek view drive completed Still need to take pictures of all thrust blocks, Tyrel indicated that they may have concrete on Monday.			
8) Check If Photos Were Taken ☒ x		9) Signature: _____ Date: _____	
Check if Report Continues on Back _____		Reviewed By: _____ Date: _____	



Picture looking down into lift station



Picture looking down into sump



Water line showing trench fill
Compaction by wheel rolling

Edl, Michele

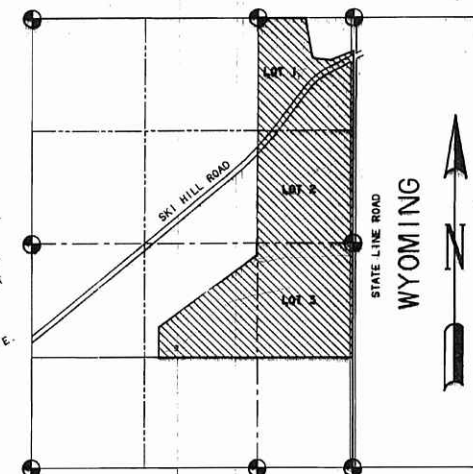
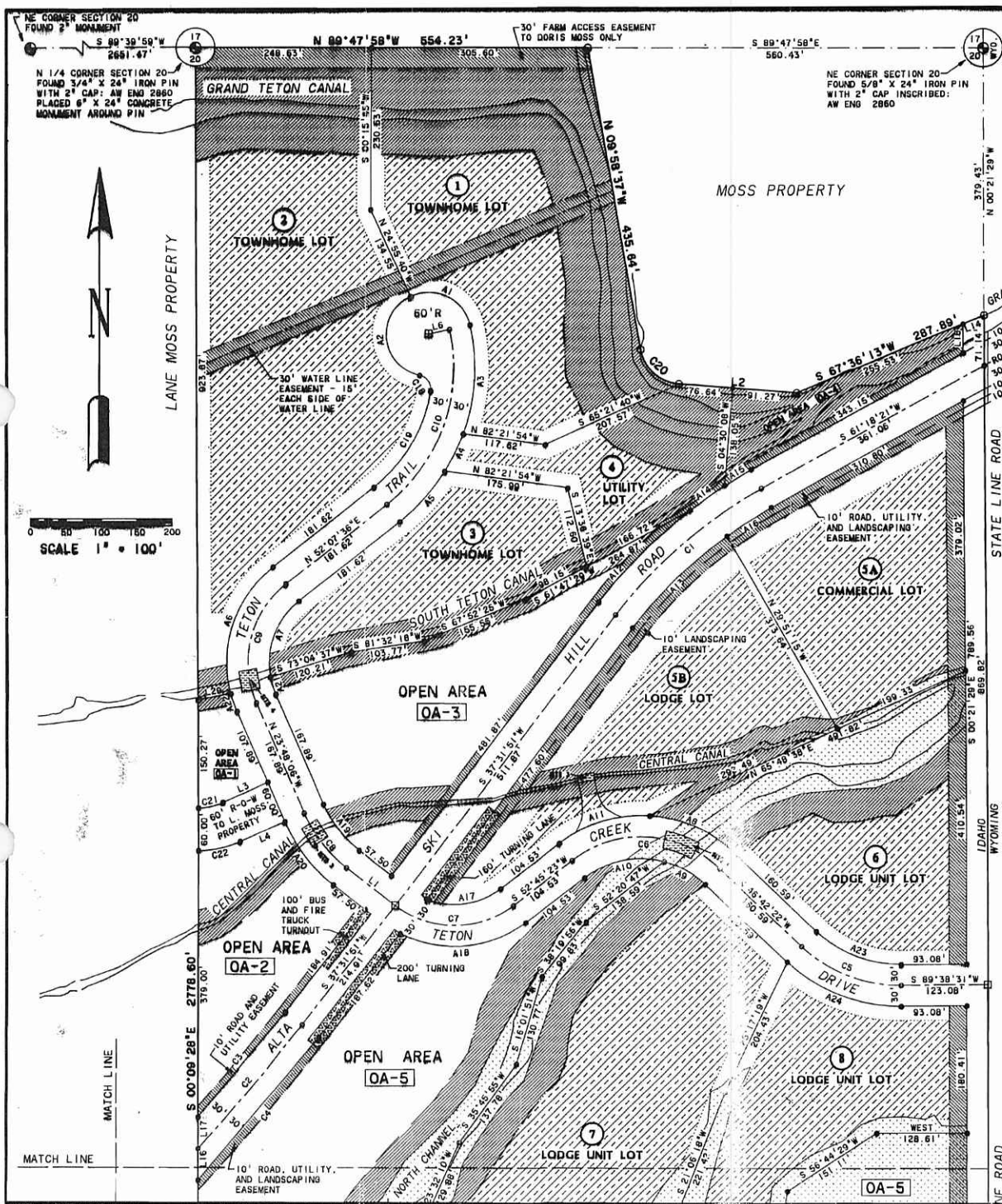
From: Jamie Boos [jboos@nelsonengineering.net]
Sent: Tuesday, November 11, 2008 10:12 AM
To: Edl, Michele
Subject: Teton Creek Resort
Attachments: 20081111095915002.pdf

Michele-

Please see the attached plat. There is a table on page 4 that describes the lots. This property is in the county, please call Teton County at 208)354-2593 and ask for Patrick to confirm the zoning.

Thanks
Jme

11/12/2008



VICINITY MAP

SECTION 20, TWP. 5N., RNG. 46E., B.M.

TETON COUNTY, IDAHO

SCALE 1" = 1000'

P.U.D. NOTES

TOTAL ACRES IN P.U.D.	117.30
TOTAL NUMBER OF LOTS	20.00
ACRES IN LOTS	88.32
AVERAGE LOT SIZE	2.77
ACRES IN ROADS	11.34
ACRES IN OPEN AREA	17.64
-- NO PROPOSED PUBLIC MAINTENANCE OF STREETS OR ROADS	
-- A CENTRAL WATER SYSTEM IS PROPOSED	
-- A CENTRAL SEWAGE DISPOSAL SYSTEM IS PROPOSED	

OPEN AREA NOTE

OPEN AREA AND AREAS OUTSIDE BUILDING ENVELOPES ARE INTENDED FOR UTILITIES: PATHS, RECREATION, LANDSCAPING, AND AGRICULTURE USES. OTHER LIMITED USES, SUCH AS RECREATION AND AGRICULTURE BUILDINGS MAY BE ALLOWED IF APPROVED BY THE MANAGEMENT COMMITTEE.

OWNER / DEVELOPER:
TETON CREEK RESORT, L.L.C.
PETER COOK, MANAGING PARTNER

AGENT / PLANNER:
JIM VERDONE, VLA
BOX 272, JACKSON WY
83001
(307) 733-3062

ENGINEER:
ARNOLD W. WOOLSTENHULME
AW ENGINEERING
P.O. BOX 139
VICTOR, IDAHO 83455
(208) 787-2952

122038

FILED

AT THE REQUEST OF

Red Everett
ATTEST: *Nov 13, 1995*
Don J. Drake
CLERK OF DISTRICT COURT
BY *Nora Rhyby*

FINAL PLAT FOR:

**TETON CREEK RESORT
P.U.D.**

LOTS 1-3, AND MOST OF THE NE 1/4 SW 1/4, SEC. 20,
TWP. 5N., RNG. 46E., B.M., TETON COUNTY, IDAHO.

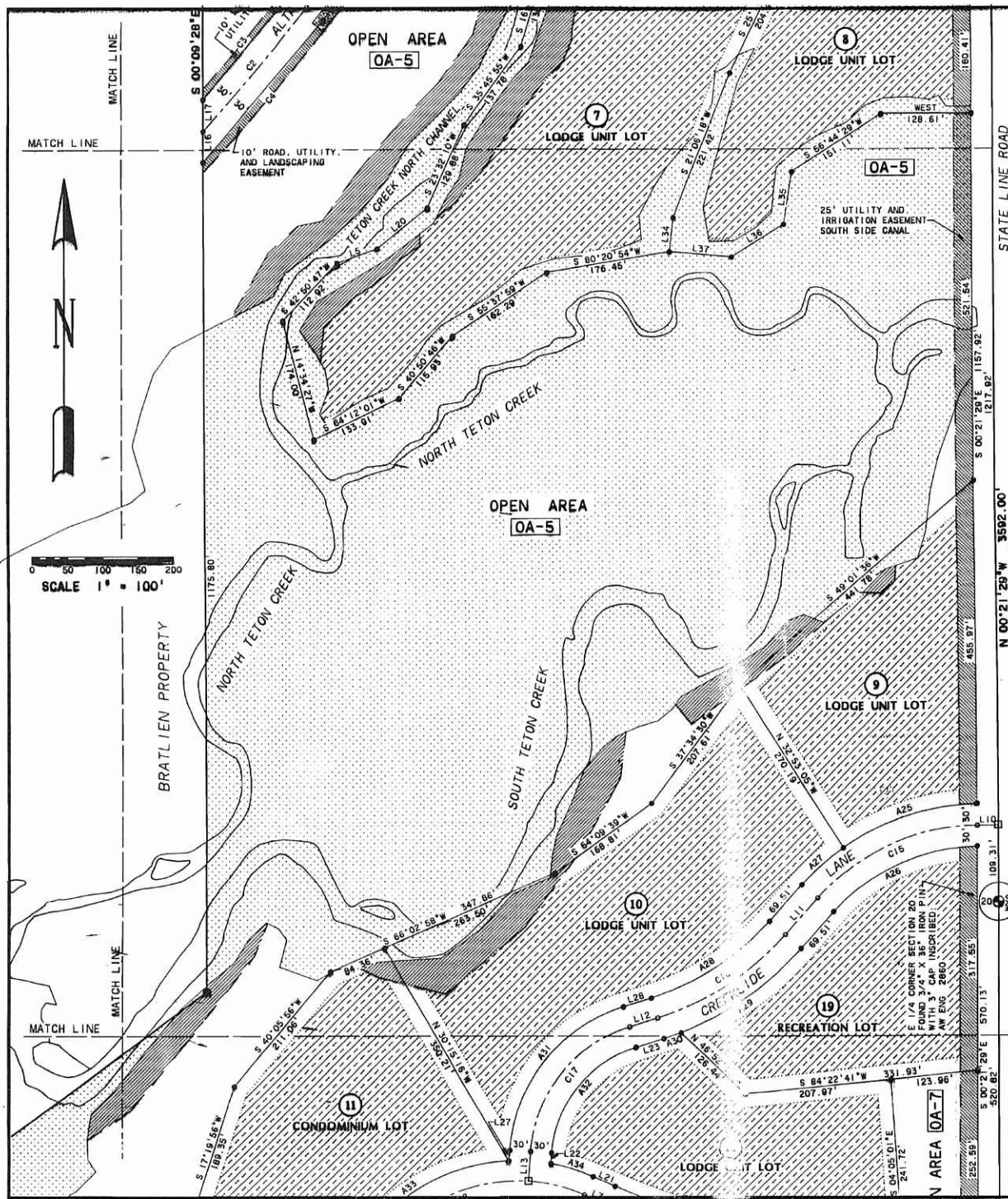
OWNER/DEVELOPER:

TETON CREEK RESORT,
L.L.C.

A W ENGINEERING

P.O. BOX 139
VICTOR, IDAHO 83455
208-787-2952

DRAWN NLC 09-20-95 PROJECT 93-001 PAGE 1 OF 4
SURVEYED ANW 4-7-1995 TETON CREEK RESORT, L.L.C. SECTION 20



LEGEND	
●	SECTION CORNER FOUND AS NOTED
■	SUBDIVISION CORNER - FOUND 2" IRON PIPE WITH CAP INSCRIBED: AW ENG 2860
○	SUBDIVISION CORNER - FOUND 3/4" X 36" IRON PIN WITH 1 1/2" ALUMINUM CAP INSCRIBED: AW ENG 2860
▲	FOUND MILE POST AS NOTED
□	ROAD INTERSECTION POINT - SET 5/8" X 24" IRON PIN WITH 1 1/2" ALUMINUM CAP INSCRIBED: AW ENG 2860
•	LOT CORNER - SET 1/2" X 24" IRON PIN WITH 1 1/2" ALUMINUM CAP INSCRIBED: AW ENG 2860
○	CALCULATED CORNER - NOTHING SET
---	SECTIONAL BREAKDOWN LINE
---	ROAD CENTERLINE
---	WATER LINE
---	DITCH
▤	ROAD BRIDGE
▤	CULVERT
▤	EASEMENT - TYPE AND WIDTH AS NOTED
▤	CREEK OR DITCH SETBACK EASEMENT - SEE SETBACKS TABLE
▤	ROAD TURNOUT OR TURNING LANE
▤	BUILDING ENVELOPE - SEE SETBACKS TABLE
▤	DESIGNATED WETLANDS AREA
▤	CREEK OR CANAL
③	LOT NUMBER

SETBACKS TABLE

TETON CREEK	50'
GRAND TETON CANAL	50'
IRRIGATION CANALS	20'
LOT LINES - FRONT	20'
BACK	20'
SIDE	20'
COMMERCIAL	10'
SCENIC CORRIDOR	50'

ROAD NOTES

SKI HILL COUNTY ROAD: PRIMARY ARTERIAL
STATE LINE COUNTY ROAD: PRIMARY ARTERIAL

WATER RIGHTS NOTES

TETON CREEK RESORT, P.U.D., HAS WATER RIGHTS BY VIRTUE OF THE CENTRAL CANAL, WYOMING DECREE AND THE SOUTH SIDE CANAL, WYOMING DECREE. THERE WILL BE NO CHANGE IN THE PLACE OF USE OF THE WATER. THERE WILL BE NO CHANGE IN THE MEANS OF CONVEYANCE. THE IRRIGATION CANALS ARE BENEFITED BY EASEMENTS, AS SHOWN, AND ARE OF ADEQUATE WIDTH TO ALLOW FOR REPAIR AND MAINTENANCE.

THIS PROJECT HAS NO RIGHTS TO FLOW OF ANY STREAMS WITHIN OR ADJACENT TO THE SUBDIVISION. IDAHO LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO PERSONS LIVING ON OR NEAR THE BANKS OF STREAMS OR RIVERS. THE CANAL COMPANIES OR USERS HAVE RIGHTS TO ACCESS AND MAINTAIN THEIR CANALS WHICH INCLUDES CANAL REPAIRS, VEGETATION REMOVAL, AND ALTERING WITHIN THEIR CANAL EASEMENT AS ALLOWED BY IDAHO LAWS.

AGRICULTURAL RIGHTS NOTES

BY WAY OF EXAMPLE BUT NOT BY WAY OF LIMITATION, OWNERS ARE NOTIFIED THAT THERE ARE EXISTING AGRICULTURAL OPERATIONS WITHIN THE NEIGHBORING AREAS AND THEY ARE PROTECTED BY IDAHO'S RIGHT-TO-FARM ACT. NOISE, ODORS, AND MOVEMENTS OF FARM MACHINERY ARE RECOGNIZED BY LOT OWNERS AS INHERENT ACTIVITIES ACCOMPANYING FARMING AND RANCHING OPERATIONS.

122038
FILED
AT THE REQUEST OF
Red Everett
ATTORNEY FOR
DATE: *Nov. 13, 1995*
Don J. Drake
CLERK OF RECORD
Nora L. Lyle

FINAL PLAT FOR:

TETON CREEK RESORT P.U.D.

LCTS 1-3, AND MOST OF THE NE 1/4 SW 1/4, SEC. 20,
TWP. 5N., RNG. 46E., B.M., TETON COUNTY, IDAHO.

OWNER/DEVELOPER TETON CREEK RESORT, L.L.C.	A W ENGINEERING P.O. BOX 139 VICTOR, IDAHO 83455 208-787-2952
DRAWN 9/29 NLC	09-29-95
SURVEYED AWW	4-7/1995
PROJECT 93 - 001	PAGE 2 OF 4
TCCREKFN.GCD TCCREKSP2.GCD	SECTION 20

0 50 100 150 200
SCALE 1" = 100'



EAGLE REST
SUBDIVISION

TETON CREEK

BYRON CHRISTENSEN PROPERTY

OPEN AREA
OA-5

CONDOMINIUM LOT

UTILITY LOT

UTILITY LOT

CONDOMINIUM LOT

CONDOMINIUM LOT

CONDOMINIUM LOT

OPEN AREA
OA-6

LODGE UNIT LOT

RECREATION LOT

LODGE UNIT LOT

1/4 CORNER SECTION 20
BEING 3/4" CAP INSCRIBED
WITH 3" CAP INSCRIBED
AN ENG 2860

OPEN AREA OA-7

25' UTILITY AND
IRRIGATION EASEMENT
SOUTH SIDE CANAL

OPEN AREA NOTE

OPEN AREA AND AREAS OUTSIDE BUILDING ENVELOPES
ARE INTENDED FOR UTILITIES, PATHS, RECREATION,
LANDSCAPING, AND AGRICULTURE USES.
OTHER LIMITED USES, SUCH AS RECREATION AND
AGRICULTURE BUILDINGS MAY BE ALLOWED IF APPROVED
BY THE MANAGEMENT COMMITTEE.

FINAL PLAT FOR:
TETON CREEK RESORT P.U.D.

A W ENGINEERING, P.O. BOX 139, VICTOR, IDAHO 83455, 208-787-2952

DRAWN	NLC	09-29-95	PROJECT	93 - 001	PAGE 3 OF 4
SURVEYED	AWW	4-7-1995	TCECKPN: GCD	TCKKFP3: GCD	SECTION 20

122038
11-13-95

SE CORNER LOT 3
SECTION 20
S 00°21'29"W
564.82'

MILE POST 191

CURVE DATA TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	23°46'28"	661.64'	274.64'	139.27'	272.67'	S 40°25'04"W
C 2	04°18'28"	3044.49'	228.75'	114.93'	228.70'	S 39°41'34"W
C 3	03°11'23"	3014.49'	183.38'	87.02'	183.04'	S 39°22'27"W
C 4	04°58'27"	3074.49'	265.12'	132.64'	265.04'	S 40°00'04"W
C 5	43°38'08"	204.37'	155.70'	81.85'	151.96'	N 68°31'54"W
C 6	80°32'14"	162.31'	228.16'	137.50'	209.85'	N 88°58'23"W
C 7	74°00'28"	137.40'	179.31'	105.00'	166.88'	N 89°51'23"W
C 8	28°40'03"	195.88'	97.61'	60.00'	96.89'	N 38°08'09"W
C 9	76°56'42"	140.00'	185.93'	106.24'	172.25'	N 14°10'08"E
C 10	65°03'58"	244.87'	278.19'	158.28'	283.48'	N 19°35'37"E
C 11	48°00'28"	1068.22'	435.38'	220.80'	431.70'	N 77°58'47"W
C 12	85°27'58"	229.88'	383.17'	253.01'	340.37'	S 66°40'09"W
C 13	44°50'53"	429.58'	358.68'	179.44'	388.05'	S 41°21'48"W
C 14	33°57'48"	199.87'	118.54'	61.07'	118.81'	S 48°48'32"W
C 15	48°00'28"	303.67'	258.20'	136.29'	268.67'	S 63°28'20"W
C 16	31°25'01"	400.06'	219.57'	112.52'	218.63'	S 57°00'40"W
C 17	68°49'01"	199.89'	240.21'	136.98'	226.03'	S 38°18'37"W
C 18	86°41'40"	25.00'	30.28'	18.88'	27.46'	S 34°28'36"E
C 19	43°19'23"	214.47'	162.30'	85.23'	159.47'	S 30°29'55"W
C 20	76°31'18"	59.30'	78.17'	45.94'	72.63'	N 47°44'13"W
C 21	23°38'37"	85.90'	36.45'	17.98'	36.20'	S 78°01'13"W
C 22	23°38'37"	145.90'	60.21'	30.56'	59.78'	S 78°01'12"W

LINE DATA TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L 1	N 82°28'09"W	87.50'	L 28	N 29°48'28"E	40.89'
L 2	N 82°29'57"W	187.91'	L 29	N 03°54'03"E	18.82'
L 3	S 66°11'54"W	88.58'	L 30	N 72°43'11"E	41.33'
L 4	S 86°11'54"W	69.56'	L 31	S 70°51'28"W	47.05'
L 5	S 70°07'04"W	60.42'	L 32	N 40°42'25"E	89.25'
L 6	S 77°03'38"W	30.00'	L 33	S 00°10'11"W	84.32'
L 7	N 85°38'05"W	34.05'	L 34	S 27°01'05"W	39.28'
L 8	S 83°47'15"W	91.18'	L 35	S 68°56'47"W	66.58'
L 9	S 28°48'28"W	92.85'	L 36	S 06°31'11"W	48.16'
L 10	S 89°38'31"W	30.00'	L 37	S 08°32'09"W	75.33'
L 11	S 41°18'09"W	86.61'	L 38	S 58°16'00"W	87.40'
L 12	S 72°43'11"W	41.33'	L 39	N 85°02'18"W	89.80'
L 13	S 03°54'03"E	43.89'			
L 14	N 87°36'13"E	32.36'			
L 15	S 89°49'50"W	30.00'			
L 16	N 00°09'28"W	44.56'			
L 17	N 00°09'28"W	45.10'			
L 18	S 00°21'29"E	41.00'			
L 19	N 52°28'09"W	27.02'			
L 20	S 81°07'58"W	91.43'			
L 21	N 65°36'05"W	34.05'			
L 22	N 03°54'03"E	15.61'			
L 23	N 72°43'11"E	41.33'			
L 24	N 85°38'05"W	34.05'			
L 25	S 29°48'28"W	40.89'			

ARC DATA TABLE

ARC	ARC LENGTH	ARC	ARC LENGTH
A 1	108.80'	A 26	230.89'
A 2	149.65'	A 27	2.43'
A 3	58.89'	A 28	202.82'
A 4	58.89'	A 29	209.93'
A 5	94.80'	A 30	50.89'
A 6	136.00'	A 31	71.64'
A 7	120.27'	A 32	204.18'
A 8	134.01'	A 33	310.08'
A 9	87.70'	A 34	65.84'
A 10	118.29'	A 35	333.19'
A 11	266.30'	A 36	422.11'
A 12	43.21'	A 37	209.32'
A 13	187.75'	A 38	38.72'
A 14	59.65'	A 39	211.28'
A 15	43.21'	A 40	101.44'
A 16	74.34'	A 41	505.10'
A 17	109.78'	A 42	56.88'
A 18	108.80'	A 43	36.52'
A 19	85.89'	A 44	100.78'
A 20	112.92'	A 45	47.47'
A 21	108.80'	A 46	47.47'
A 22	59.65'	A 47	130.13'
A 23	142.84'	A 48	77.27'
A 24	118.29'		
A 25	202.82'		

LOTS AND UNITS

LOT TYPE OF LOT	UNITS	PHASE	ACREAGE
1 YOUNGHOME	4	5	3.73
2 YOUNGHOME	12	6	4.62
3 YOUNGHOME	4	5	1.14
4 UTILITY	-	-	1.13
5A COMMERCIAL	-	-	2.19
5B COMMERCIAL	-	-	2.19
6A COMMERCIAL	-	-	2.19
6B COMMERCIAL	-	-	2.19
7 LODGE UNIT	16	1	2.36
8 LODGE UNIT	32	1	5.37
9 LODGE UNIT	16	2	2.16
10 LODGE UNIT	16	2	2.16
11 LODGE UNIT	16	4	2.80
12 CONDOMINIUM	16	4	2.80
13 CONDOMINIUM	16	4	2.80
14 UTILITY	-	-	5.32
15 UTILITY	-	-	5.32
16 CONDOMINIUM	19	3	3.87
17 CONDOMINIUM	10	2	2.70
18 LODGE UNIT	25	-	2.07
19 RECREATION	-	-	0.65
TOTALS:	247	(6)	55.32

ROADS

ROAD	ACREAGE
BLT WILL ROAD	2.10
STATE LINE ROAD	2.43
TEYON TRAIL	1.93
TEYON CREEK DRIVE	1.25
CREEK VIEW DRIVE	2.85
CREEKVIEW LANE	1.16
N-S-W TO CAMP MOSS	0.10
TEYON COUNTY BRIDGE	4.87
TOTAL IN SUBDIVISION ROADS	6.87
TOTAL IN RIGHT-OF-WAY	0.16
TOTAL	11.34

OPEN AREA

OPEN AREA	ACREAGE
1A UTILITY	0.75
2A UTILITY	1.23
3A UTILITY	2.07
4A UTILITY	0.64
5A UTILITY	32.14
6A UTILITY	13.77
7A UTILITY	0.65
TOTAL	50.64

COMMISSIONERS' CERTIFICATE

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

Keith Kung
CHAIRMAN, COUNTY COMMISSIONERS

11-13-95
DATE

NOTE: TETON COUNTY WILL NOT BE HELD RESPONSIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF ANY NATURE OF ANY STREET, ALLEY, OR ROAD WITHIN THIS SUBDIVISION.

PLANNING AND ZONING APPROVAL

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

David Brockenbury
CHAIRMAN, PLANNING AND ZONING

11/12/95
DATE

ASSESSOR'S CERTIFICATE

PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

James Thomas
COUNTY ASSESSOR

9-29-95
DATE

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT OF LAND AS SHOWN ON THIS PLAT.

David O. Smith
COUNTY TREASURER

10-2-95
DATE

HEALTH DEPARTMENT CERTIFICATE

I HEREBY CERTIFY THAT SANITARY RESTRICTIONS AS DESCRIBED IN SECTION 30 - 1329 IDAHO CODE ARE IN FORCE. SAID RESTRICTIONS MAY BE REMOVED AT THE TIME OF THE APPROVAL OF THE CENTRAL WATER AND SEWER SYSTEM BY DEO AND DISTRICT 7 HEALTH DEPARTMENTS AND THE CONSTRUCTION OF PLAT FOR PHASE 2. NO OWNER SHALL CONSTRUCT ANY BUILDING OR SHED ON SAID PREMISE WHICH NEGOTIATES THE SUPPLY OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISE.

SURVEYOR'S CERTIFICATE

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2630, DO HEREBY CERTIFY THAT I DID SURVEY THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.

ALL CORNERS AND MONUMENTS SHOWN ON THIS PLAT BE SET BY 11-15-1995.



CERTIFICATE OF REVIEW

I, THE UNDERSIGNED, BEING A LICENSED SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT AND FIND THAT IT COMPLETES THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

John Lou Miller
DATE 10-27-95

OWNER'S CERTIFICATE

BE IT KNOWN THAT TETON CREEK RESORT, AN LLC CORPORATION, DID CAUSE THE P.U.D. SUBDIVISION OF LAND AS HEREIN PLATTED AND DESCRIBED. CERTIFY THAT IT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID PARTNERS AND PROPRIETORS OF SAID DESCRIBED LANDS:

THAT THE NAME OF THE SUBDIVISION SHALL BE TETON CREEK RESORT P.U.D.; THAT ACCESS TO SAID SUBDIVISION SHALL BE FROM SKI HILL ROAD AND STATE LINE ROAD;

THAT THE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS OF RECORD TO BE FILED CONCURRENTLY WITH THIS PLAT;

THAT THE SUBDIVISION IS SUBJECT TO ANY RIGHTS-OF-WAY OR EASEMENTS OF RIGHT OR RECORD OR AS CAUSED BY THIS PLATTING;

THAT ALL ROADS ARE HEREBY DEDICATED TO THE PUBLIC;

THAT EASEMENTS AND OTHER AREAS AS PLATTED ARE DEDICATED FOR SEWER, WATER, ELECTRIC POWER LINES, AND OTHER UTILITIES AS REQUIRED FOR COMPLETION OF THIS PROJECT. DESIGNATED EASEMENTS ARE DESIGNATED AS SHOWN;

DESCRIPTION OF LANDS BEING DIVIDED:

MOST OF LOT 1, LOTS 2 AND 3, AND MOST OF THE NE 1/4 SW 1/4, SEC. 20, TWP. 5 NORTH, RANG. 46E., S.M., TETON COUNTY, IDAHO, BEING

FURTHER DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 20, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S 0°00'00"W, 227.80 FEET ALONG THE CENTER 1/4 LINE TO A POINT;

THENCE S 63°25'34"W, 1415.39 FEET;

THENCE SOUTH, 360.00 FEET TO THE SOUTH LINE OF THE N 1/2 S 1/2 OF SAID SECTION 20;

THENCE N 89°49'50"E, 2268.51 FEET, TO THE EAST SECTION LINE;

THENCE N 0°12'20"E, 3582.00 FEET ALONG THE SECTION LINE TO A POINT ON THE NORTH BANK OF THE GRAND TETON CANAL;

THENCE ALONG THE NORTH BANK OF SAID CANAL, S 67°36'13"W, 287.88 FEET;

THENCE N 89°29'57"W, 187.81 FEET;

THENCE 78.17 FEET ALONG A 59.30 FOOT RADIUS CURVE TO THE RIGHT, WITH A CHORD BEARING N 47°44'17"W, 72.63 FEET;

THENCE N 9°58'37"W, 435.64 FEET TO A POINT ON THE NORTH BANK OF GRAND TETON CANAL AND THE SECTION LINE;

THENCE N 89°47'58"W, 554.25 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING;

CONTAINS 117.30 ACRES, MORE OR LESS.

Tamara R. Albrecht
TAMARA R. ALBRECHT, PARTNER, TETON CREEK RESORT, LLC

STATE OF IDAHO)

) SS

COUNTY OF TETON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF October, 1995 BY TAMARA R. ALBRECHT

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC *James A. Brower*

MY COMMISSION EXPIRES: 2-27-98



TETON COUNTY FIRE MARSHAL

I HEREBY CERTIFY THAT THE PROVISIONS FOR FIRE PROTECTION

FOR THIS PLAT MEET THE TETON COUNTY FIRE CODE

AND HAVE BEEN APPROVED BY MY DEPARTMENT.

Ray J. Harris
TETON COUNTY FIRE MARSHAL

10/2/1995
DATE

RECORDER'S CERTIFICATE 122038

STATE OF IDAHO)

) SS

COUNTY OF TETON)

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS 13 DAY OF Nov, 1995, AT 3:18 pm.

AT THE REQUEST OF *Ray J. Harris*

INSTRUMENT NUMBER 122038

Ray J. Harris
COUNTY RECORDER

FINAL PLAT FOR:

TETON CREEK RESORT P.U.D.

LOTS 1-3, AND MOST OF THE NE 1/4 SW 1/4, SEC. 20, TWP. 5N., RANG. 46E., S.M., TETON COUNTY, IDAHO.

OWNER/DEVELOPER:
TETON CREEK RESORT, L.L.C.
A W ENGINEERING
P.O. BOX 139
VICTOR, IDAHO 83455
208-787-2952

DRAWN NLC 09-27-95 PROJECT 93 - 001 PAGE 4 OF 4
SURVEYED JAW 4-7-1995 TCREEKFN.GCD TCRKF2P4.GCD SECTION 20

**NELSON
ENGINEERING**

FACSIMILE COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name:

Company/Firm:

Reference:

Fax Number:

Documents Transmitted:

MICHELLE EDX
IDWR

208) 287-6700

MESSAGE

AS REQUESTED, SIGNED BY OWNER.
HE ALSO CORRECTED HIS CONTACT
PHONE #.
TX JUNE

From:

Date:

Project No.

Time:

JAMIE

11/10/08

07-1053-01

2:00 PM

Note: We are transmitting _____ page(s), including this cover sheet. Please call Nelson Engineering at (208) 354-2087 if you do not receive all pages.

The information contained in this facsimile transmittal is confidential, and is intended only for the use of the recipient named above. If the reader of this information is not the intended recipient, you are hereby notified that this is not a waiver of privilege and any dissemination, distribution, or copying of this information is strictly prohibited. If you have received this information in error, please immediately notify the sender by telephone, and return the original information to the sender, by U.S. Mail, at the above address.

30 North 1st East • Driggs, ID 83422 • (208) 354-2087 • (208) 354-2089 Fax

S:\STANDARD FORMS GENERAL\Clerical\Driggs Office 2007 Forms\Facsimile.doc

Form No. 217
808

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Am't. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been completed and that water has been applied to beneficial use to the extent described below. This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner. Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, please contact any Department office or visit the Department's website at www.idwr.idaho.gov for an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

- Permit No. 22-07786 Telephone No. (307) 733-6408 6728
- Name of Permit Holder(s): Teton Creek Resort, LLC
- Mailing Address: PO Box 3010 City Jackson
State WY Zip 83001 Email: ELMCook@aol.com
- Source of Water: Ground Water If GROUND WATER (well), Date Drilled: mo. 02 / yr. 98
Well Driller: Andrew Well Drilling Drilling Permit Number: 22-97-E-0108-000
22-97-E-0109-000
- Extent of use(s) completed (as authorized by the water right permit):
Domestic (No. of households): 247 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 13.1 Other: 10 retail shops, fire protection
- Total rate of diversion or storage volume for which proof is submitted: 2.23 cfs OR _____ acre-feet
- Compliance with a Measuring Device requirement and/or other Conditions of Permit: (Refer to the approval conditions on your permit and respond accordingly.)
Measuring Device: Is a measuring device required? Yes ☒ or No ☐
If yes, has the measuring device been installed? Yes ☒ or No ☐
Conditions of Permit: Does your permit require you to submit additional information in connection with your proof of beneficial use? (If yes, please list the conditions below and provide documents if necessary.)

Completed? Yes ☐ or No ☐

Completed? Yes ☐ or No ☐
- Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use. Proofs filed without an appropriate fee, will be considered incomplete.)
- Person to contact to accompany the Department representative during field examination of the water system.
Name: Jamie E Boos Telephone Number: (208) 201-0129
Mailing Address: Nelson Engineering, 30 N. 1st East City Driggs
State ID Zip 83422 Email: jboos@nelsonengineering.net

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of permit holder: _____
(include your title, if on behalf of company or organization)

PETER L. Cook

Date: 11-10-08

Edl, Michele

From: Jamie Boos [jboos@nelsonengineering.net]
Sent: Monday, November 10, 2008 12:29 PM
To: Edl, Michele
Subject: Construction Inspection Reports
Attachments: 070730 Inspection Report.pdf; 070718 Inspection Report.pdf; 070719 Inspection Report.pdf; 070720 Inspection Report.pdf; 070723 Inspection Report.pdf; 070726 Inspection Report.pdf; 070727 Inspection Report.pdf

Michele-

Please see the attached construction inspection reports. I have hundreds of these, that were completed daily during construction season last summer. This corresponds to the as-builts from Phase III. The as-built drawings were done in 2008, but the work was completed July thru September. Please let me know if you need more evidence, as I have some more things I could pull up.

I am working on getting the permit signed and faxed to you by the owner.

Thanks
 Jme

Jamie E. Boos, PE
 Project Engineer



30 North 1st East □\$B!□(B Driggs, Idaho 83422
 (208) 354-2087 □\$B!□(B (208) 354-2089 Fax

This email is confidential. If you are not the intended recipient, you must not disclose or use the information contained in it. If you have received this email in error, please notify us immediately by return email and delete this document.

11/10/2008

Page1



Pressure sewer with 24 inches of 1" minus



Pressure sewer with bedding



Lift Station in foreground, surge tank in background.



Lift station lines, Note grout



Back fill of Lift station
Compaction needed



Satisfactory bedding, and tracer wire



Installation of valve network near MH#7 for
water main

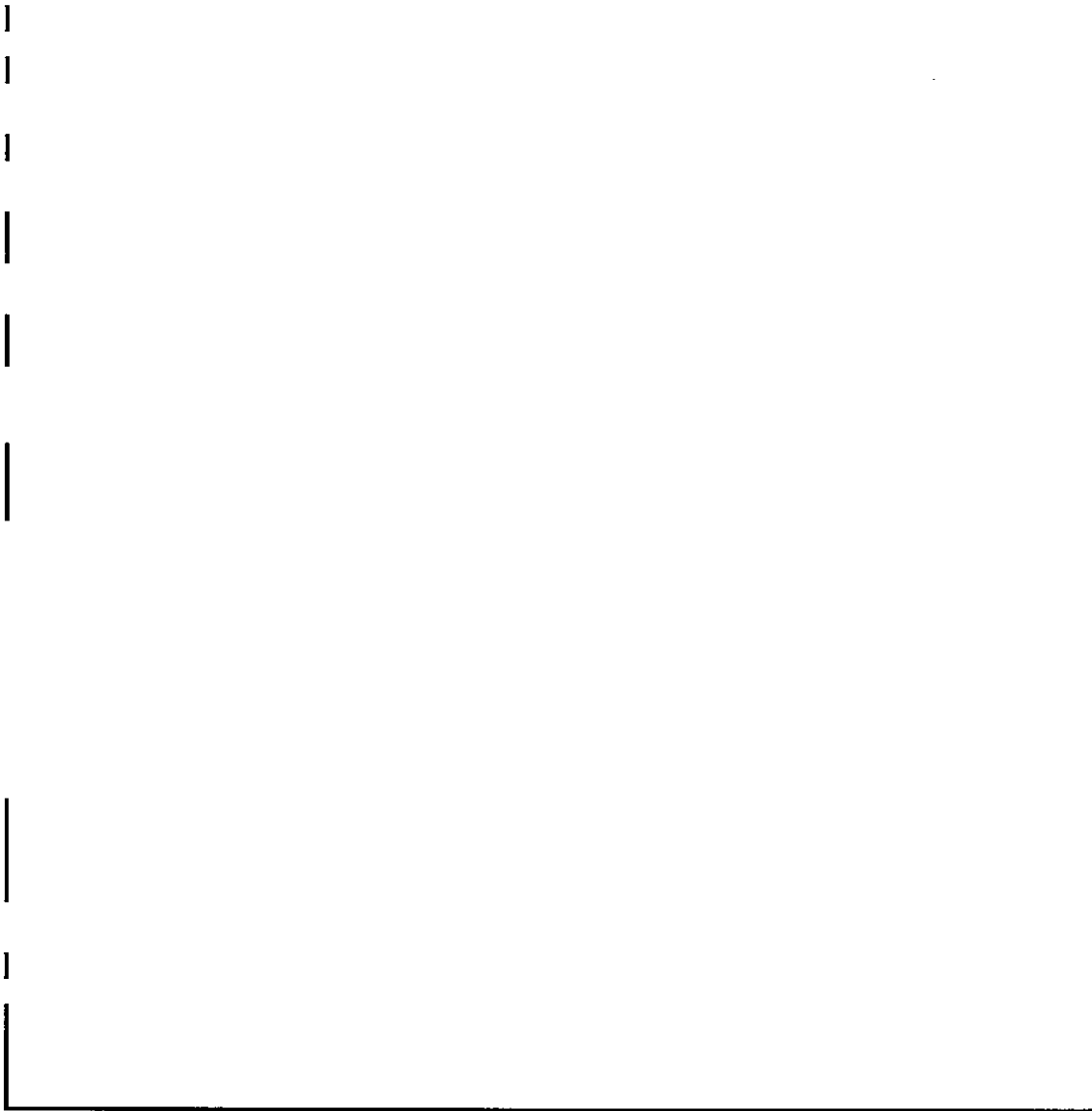
DAILY INSPECTION REPORT

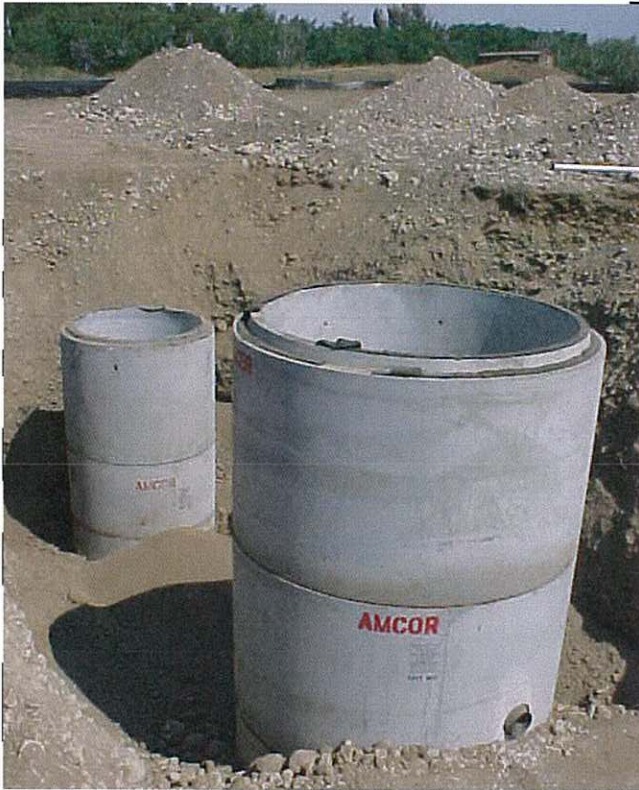
30 N 1st E

208-354-2087 FAX 208-354-2089

COMPANY: Nelson

1) Project: Teton Resort Phase III		3) Contractor: Cody Thompson	
Project No: 06-366d-07		Superintendent: Supervisor: Cody Thompson	
Date: 7/20/2007		Crews & Equipment Active:	
2) Weather: 91F		4 Crew Roller	
4) Description Of Work Performed:		2 Trackhoe Backhoe	
Ph III:		Grader Screening Plant	
Delivered a drawing to Tyrel to help him determine all the water service locations. A couple of services were not staked.		1 Loader Dozer	
Track hoe broke down.		Dump trucks	
Tyrel told me today that the 2 pvc pipes between the lift station and the sump, were changed out to ductile iron prior to burial.			
Side note: I charged about 12 hours of time to TCR for the water line on Ski Hill RD.			
Was told today that all time for the water line needs to be charged to 07-1053-01			
Starting today, I will be charging my TCR time to 07-1053-01 until 12 hours are completed.			
8) Check If Photos Were Taken ____		9) Signature: _____	
Check If Report Continues on Back _____		Date: _____	
		Reviewed By: _____	
		Date: _____	





Lift station installation



Compaction of lift station



Installation of water line on going



6" water main below pressure sewer. Told A+ to sleeve the sewer line.

Edl, Michele

From: Jamie Boos [jboos@nelsonengineering.net]
Sent: Wednesday, November 05, 2008 3:45 PM
To: Edl, Michele
Subject: Letter
Attachments: 20081105 - Excuse Letter.pdf

Michele -

Please see the attached.

Thanks
Jme

Jamie E. Boos, PE
Project Engineer



30 North 1st East □\$B!□(B Driggs, Idaho 83422
(208) 354-2087 □\$B!□(B (208) 354-2089 Fax

*This email is confidential. If you are not the intended recipient,
you must not disclose or use the information contained in it.
If you have received this email in error, please notify us
immediately by return email and delete this document.*

11/5/2008

Jeb/07-1053-01

November 5, 2008

Michele Edl
Idaho Department of Water Resources
322 E. Front St
Boise, ID 83702

Dear Ms. Edl,

This letter is to explain the reason for the lapse on water rights for the Teton Creek Resort development. This project started almost 20 years ago with the idea of taking raw land and converting to a mixed used development, some commercial, single family residential and some multi-family residential. The final plat was recorded with Teton County in 1993. Over the years, as the physical development progressed in phases, different pieces of the development were constructed and put to use. Also, over the years, the development changed hands several times, with each new owner, a new consulting company was employed to work on the next piece.

Nelson Engineering is the firm currently acting on behalf of the owners to ensure all due diligence is in place. A lapse letter was sent to the current responsible entity. The lapse letter was forwarded for action, however, it simply "fell through the cracks" so to speak, and the lapse notice was never acted appropriately upon.

As shown in the submittal to IDWR dated October 9th, we are now trying to sort through the details and correct any deficiencies on the water rights side of the development.

It is our sincere wish to work with IDWR to rectify the situation in the most effective manner possible to reinstate the water rights referenced in the submittal. If I can provide any more information regarding this, please don't hesitate to call, email or write me.

Sincerely



Jamie E. Boos
Nelson Engineering