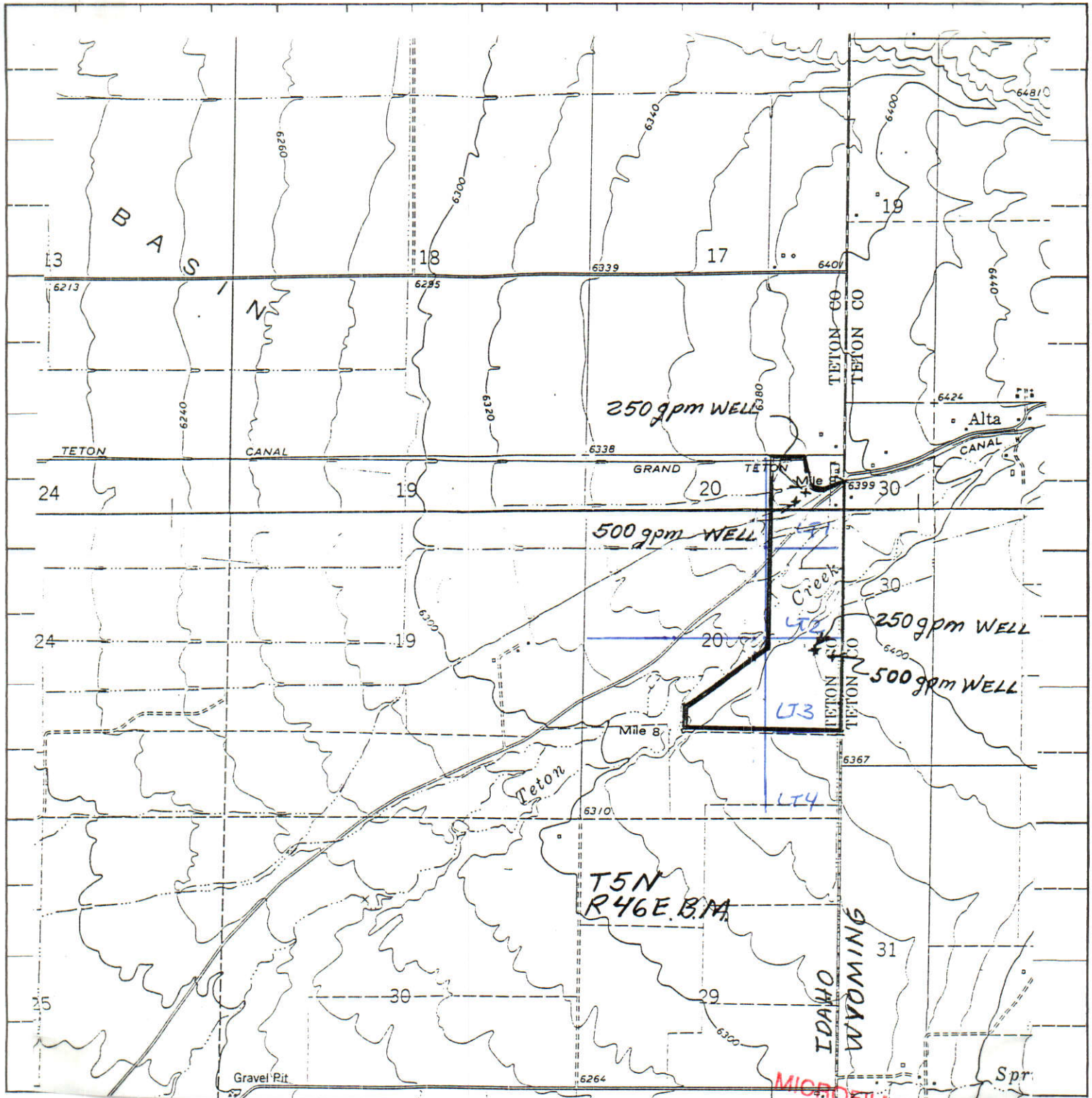


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. PLEASE SEE ATTACHED GEOLOGICAL SURVEY MAP/SUBDIVISION SITE PLAN



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Tamara R. Albrecht
(Applicant) TAMARA R. ALBRECHT
Partner

SEP 10 1997

07/97

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 22-7786 Name: Teton Co. Resort LLC Date: 8/1/97 Ad OK? ✓ Gvmt Lts: ✓

AREA OF CONCERN:

PROTESTED:

SYSTEM COMPLETED:

1 year/no proof
>1 year

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)
>0.24 cfs/5 acres
≤ 0.24 cfs/5 acres
WMD >0.24 cfs
>5 a.
≤ 0.24 cfs/5 acres

DRILLING PERMIT:

Existing well
Included w/permit

No drilling permit?
irr. in WD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN MIN. STR. FLOW (✓ MAP)
WD (✓ MAP & LISTING)
Pumped >0.20 cfs
WMD (✓ MAP)

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)
(02/03-irr)
Boise R (63)
Payette R (65)

USE:

Domestic surface
>1 in rest. area
Fish Propagation
Irr ≤ 5 acres
> 5 acres
Mining
Muni (in restricted areas)
Power
Storage (✓ 3 compo.)

LOCATION:

42-248 area
Boise Front LoGeo
In-stream dev.
Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)
Trust
Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- No/Yes: ESRP Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

- P16
- 26A-P17

- _____ or No MD (in-stream stock or power)
- No MD
- 01M (report when notified)
- 01M: 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- No MD → Central Canal Co

- NA (pre 7/1/87; ✓ WDQ3)
- Permit No. _____ - _____ - _____ - _____ P99
- 046-46B-P23 (post 7/1/87)
- P05 (new well location)

- (modify remark *WB9)
- R04 (WD # _____)-01J-P08 (MD)
- 01H-P01 (LD & MD) or No MD (in-stream stock)

- _____ or No MD (in-stream stock or power)
- No MD

- 01M or No MD (in-stream stock or power)
- No MD

- 11A-P04, NA
- 007-P07 (w/ remark *WB9 if above Weiser), NA
- 05A (if WD), 11E (not 42-111 use), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 070-071-P53
- 07A-042 (req)-09E (WQ)-P10; 044 (N of 1000 Springs)
- 057 (0.03 cfs/acre)
- 03A (0.02 cfs/acre)
- 054 (req) & 09E-P10
- 022, 075, 004 (+memo?)
- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

- P84 (in 20/30/40/50/60/70/80 (87) basin)
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)

- 1
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), ~~NA~~
- 004 (PD/PU)

- 017
- 00032/2 in LT 1 2 in LT 3 02001/357 condos
- 070 Modified
- 8/1/ 2002
- Comp off

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Madeline Sone,
being first duly sworn, depose and say that I am
the secretary of the Teton Valley News,
a newspaper as defined by Idaho Codes An-
notated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed and
published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice, ad-
vertisement, or publication of

notice of application for
water right
And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 21 day of Sept.,
1995.

And affiant further says that at the times herein
mentioned said newspaper was made up of at
least eight pages of at least five columns each,
printed from typed matter, of at least sixteen in-
ches deep.

State of Idaho)

County of Teton)

On this 19th day of October
in the year of 1995, before me, a Notary Public,
personally appeared Madeline Sone,
known or identified to me to be the person whose
name subscribed to the within instrument, and
being by me first duly sworn, declared that the
statements therein are true, and acknowledged to
me that he executed the same.

Bonnie Johnson
Notary Public for Idaho

Residing at Driggs ID

My commission expires 10/24/98

RECEIVED

OCT 20 1995

Department of Water Resources
Eastern District Office

NOTICE OF APPLICA-
TION FOR WATER
RIGHT

The following application(s)
have been filed to appropriate the
public waters of the State of Idaho:

22-07785, Ryan D. Kearsley,
Driggs, ground water, Sec 26 T 04N
R 45E in Teton County. Use: fire
protection. Total diversion, 1.110 cfs.
Filed 8/30/95 in Teton County, T04N
R45E S26 NENW NWNW.

#22-07786, Teton Creek Resort
LLC, Jackson, Wyo., ground water,
Lot 1 (NWNWNE) Sec 20 T 05N R
46 E in Teton County. Lot 3 (NEN-
WSE) Sec 20 T 05N R 46E in Teton
County. Use: domestic and fire pro-
tection. Total diversion, 2.230 cfs.
Filed 9/1/95 in Teton County, T05N
R46E S20 Lot 1 (NWNNE), Lot 2
(SWNE), NESW Lot 3 (NWSE).

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and the
Director, Dept. of Water Resources,
along with a \$25 filing fee, Eastern
Region, 900 N Skyline, Idaho Falls,
Idaho 83402 on or before October 10,
1995.

Karl J Dreher, Director

Published in the Teton Valley
News Sept. 21 and 28, 1995

MICROFILMED

SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

SEP - 4 2002

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 22 - 7786

Name(s) of Permit Holder: TETON CREEK RESORT, LLC WY 83301

Address: P.O. Box 792 3016 City DEER JACKSON State ID Zip 83422

Telephone No. (307) 733-6408 Date Proof is Due: SEPTEMBER 1, 2002

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Well #1: drilling permit #22-97-E-0109-000 yield 150 gpm

Well #2 : "22-97-E-0109-000 yield 400 gpm

All pumps and related equipment complete & functioning. Waterlines
are complete to phase 1 (60 units). Additionally, a 100' stub line to the south
for hook up to future phases located on the south portion of the property. Costing \$ 115,000 wells/pumps
60,000 waterlines

The permit holder(s) has been unable to complete the remainder of the work for the following reasons: \$175,000.

TETON CREEK RESORT IS CONTINUING TO BE DEVELOPED WITH
AN ANTICIPATED BUILD-OUT WITHIN THE NEXT TEN YEARS
ONLY PHASE I HAS BEEN COMPLETED AND IS FULLY FUNCTIONAL

Permit holder(s) request an extension to SEPTEMBER 1, 2007

L. Glen Saxton managing member
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

REINSTATED with the priority advanced to September 4, 1995. IT IS FURTHER ORDERED that the time within which to submit proof of beneficial use is extended to September 1, 2007. IT IS FURTHER ORDERED that the permitholder is not authorized to assign ownership of the permit to another party without prior approval of the Department.

Signed this 4th day of September, 2002

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07786

Proposed Priority: September 1, 1995 Maximum Diversion Rate: 2.23 CFS

This is to certify, that **TETON CREEK RESORT LLC**
C/O ROBERT NORTON
PO BOX 1599
JACKSON WY 83001-1599

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
COMMERCIAL	01/01 to 12/31	0.40 CFS
DOMESTIC	01/01 to 12/31	0.56 CFS
FIRE PROTECTION	01/01 to 12/31	2.23 CFS
	Totals	2.23 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNE), Sec. 20, Township 05N, Range 46E
Lot 3(NWSE), Sec. 20, Township 05N, Range 46E
TETON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

05N 46E 20 Lot 1(NWNE)

PLACE OF USE: DOMESTIC

TWN RGE SEC

05N 46E 20 Lot 1(NWNE) Lot 2(SWNE) NESW
Lot 3(NWSE)

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 2002.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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 permit holder had no control.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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SEP 10 1997

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 22-07786

CONDITIONS OF APPROVAL AND REMARKS

7. The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
9. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
10. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
11. Two points of diversion are located within Lot 1 (NWNE), S20, T05N, R46E.
12. Two points of diversion are located within Lot 3, (NWSE), S20, T05N, R46E.
13. Commercial use is for conference rooms and a kitchen in a lodge, and 10 retail shops within 2 commercial buildings at Teton Creek Resort.
14. The daily diversion for each commercial tenant shall not exceed 0.04 cfs nor 2,500 gallons per day.
15. Domestic use is for 247 condominium units at Teton Creek Resort.
16. The domestic use authorized under this right shall not exceed 13,000 gallons per day per condominium unit.
17. Irrigation use occurring under this domestic right shall not exceed 13.1 acres.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

20th day of August, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

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SEP 10 1997

RECEIVED

STATE OF IDAHO

Ident. No. 22-7786

JUL 07 1997

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

DEPARTMENT OF WATER RESOURCES

To appropriate the public waters of the State of Idaho

1. Name of applicant Teton Creek Resort LLC c/o Rod. Norton Phone 307-733-5427
Post office address P.O. Box ¹⁵⁹⁹~~1586~~, Jackson, WY 83001
2. Source of water supply Groundwater which is a tributary of NA
3. Location of point of diversion is ~~NW~~ $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot 1
Sec. 20 Township 5N Range 46E B.M. Teton County; additional
points of diversion if any: ~~NE~~ $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 3, Sec. 20, T5N, R46E
4. Water will be used for the following purposes:
Amount 0.56cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.23cfs for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.79 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. NA wells pumps
247 condominium units. (4 wells total)

b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total
reservoir capacity NA acre-feet; period of year when water will be diverted to storage:
NA to NA inclusive.
c. Proposed well diameter is 8 & 10 inches; proposed depth of well is 300 feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NA; Drilling firm NA;
Well was drilled for (well owner) NA
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
5 years (minimum 1 year).

* per data entry standards 8/1/97 c3.

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SEP 17 1997

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. NA
- b. Stockwatering; list number and kind of livestock. NA
- c. Municipal; show name of municipality. NA
- d. Domestic; show number of households. 247 condominium units plus 13000 SF retail space and an 19200 SF Lodge for meetings.
- e. Other; describe fully. Fire protection

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	46E	20		Lt1 D	Lt2 D						D	X				Lt3 D			
				F	F						F	X				F			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

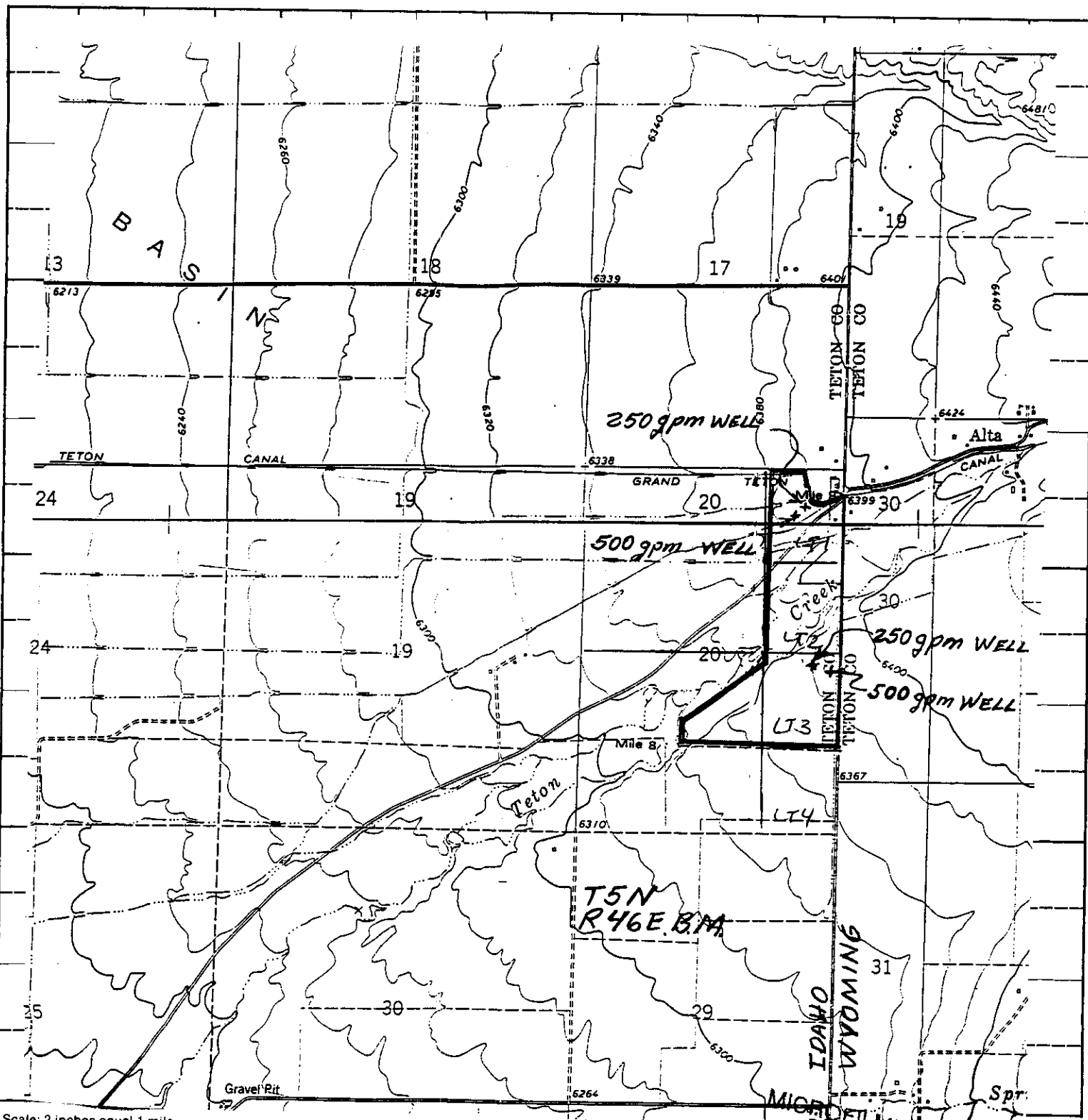
11. a. Who owns the property at the point of diversion? Teton Creek Resort LLC
- b. Who owns the land to be irrigated or place of use? Teton Creek Resort LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Partners - Tamara Albright
Peter Cook
Richard Albright
Cyril Richard
Rod Everett

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SEP 10 1997

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. PLEASE SEE ATTACHED GEOLOGICAL SURVEY MAP/SUBDIVISION SITE PLAN



Scale: 2 inches equal 1 mile.

SEP 10 1997

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Tamara R. Albrecht
 (Applicant) TAMARA R. ALBRECHT
 Partner

Received by HWT Date 9-1-95 Time 11:20 am Preliminary check by _____
Fee \$ E021465 # 140 Received by HWT # E021465 Date 9-9-95
Publication prepared by LB Date 9-21-95 Published in Teton Valley News
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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SEP 10 1997

AGREEMENT

This agreement is entered into on the 23 day of June, 1997, by and among TETON CREEK RESORT, a Wyoming limited liability company, whose address is P. O. Box 1586, Jackson, Wyoming 83001 ("TCR"); and JOHN MATTHEWS, whose address is 222 Pioneer Trail, Driggs, Idaho 83422 and BILL HUNT, whose address is P.O. Box 210, Driggs, Idaho 83422 (referred to collectively as "Protestants"). A legal description of each party's land is attached to this agreement as an "Exhibit". (See attached exhibits)

The purpose of this agreement is to setforth the written mutual promises of the parties to resolve the pending protests by Protestants with the Idaho Department of Water Resources ("IDWR") and to permit the prompt successful processing of the application to appropriate Idaho water by TCR with IDWR. Protestants are concerned that the wells planned for TCR will harm the pumping level of those wells on Protestants' properties located north and west of the TCR project.

Therefore, to further the intent of the parties in resolution of their differences, it is agreed as follows:

1. TCR will have installed, at TCR's expense, a well monitoring system on the HUNT well. This will entail "pulling" the 150 foot submersible pump and reinstalling. Additionally, an airline, fittings and pressure gauge will be installed to determine the depth of water in the well. A pump protection device will be installed which will protect the pump in case excessive drawdown occurs and the pump runs without water.
2. TCR will have the well monitoring system installed, weather permitting, within 60 days of the signing of this agreement.
3. Bill Hunt will be responsible to take the "depth to groundwater" digital readings at least once every two (2) weeks. Hunt will maintain and preserve a historical log of the "readings" and shall make the reading information available to TCR and MATTHEWS upon request and shall send said reading information to IDWR on a routine monthly basis.
4. TCR will install identical well monitoring systems within the TCR wells as they are drilled and made operational. TCR will be responsible to take the "depth to groundwater" digital readings at least once every two (2) weeks. TCR will maintain and preserve a historical log of the "readings" and shall make the reading information available to HUNT and MATTHEWS upon request and shall send said reading information to IDWR on a routine monthly basis.

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SEP 10 1997

5. IDWR will receive and record the "readings" from the respective well monitors in place. IDWR will monitor all incoming "readings" for groundwater level fluctuations and shall make the required findings and the necessary recommendations as a result of analyzing the information received from the well monitoring systems.

6. Hunt and Matthews agree that the HUNT well is the most appropriate well to monitor in that the HUNT well is at approximately a 150 foot depth whereas the MATTHEWS well is at approximately a 210 foot depth. It is agreed that the HUNT well could experience a case of excessive drawdown below the level of its current pumping level without having any negative affect upon the MATTHEWS well being that they are configured approximately 60 foot apart in depth of their pumps. In the event that the HUNT well should drop below the present and established pumping level TCR would immediately start monitoring the MATTHEWS well by taking electrical tape measure readings on a biweekly basis, at TCR's expense.

7. Hunt and Matthews agree that should the depth of the water in their wells drop below their pumping systems prior to TCR drilling or activating any of their drilled wells that Hunt and Matthews would be solely responsible for their own and respective remedies. Upon such occurrence this agreement shall be terminated.

8. TCR agrees that should the depth of the water in the HUNT and/or MATTHEWS wells drop below their present and established pumping levels that TCR will be liable to immediately return their wells to a productive pumping level provided that the following has been determined:

- a. TCR has placed their well or wells into production.
- b. IDWR has made a determination that the TCR well or wells are a proximate cause for the diminished pumping levels.

9. The parties agree to provide IDWR and each other with pertinent and up to date information on their respective wells, existing or proposed. At minimum the information required is well depth, pumping level as defined in gallons per minute to determine the "Base P.L.", pump horse power rating and any significant pumping history.

10. The parties agree that any and all wells of the Protestants and TCR shall not pump or use water for any unauthorized uses as determined by IDWR.

11. The parties agree that this agreement shall be binding upon the heirs, assigns and personal representatives of the owners of land and the improvements upon which these wells are situated.

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SEP 10 1997

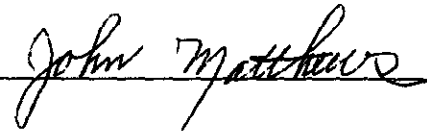
12. Time is of the essence with respect to rights, duties and remedies under this agreement.
13. This is the entire agreement of the parties and there are no oral representations or other documents which are not encompassed in this agreement.
14. Each party has cooperated in creating this agreement and each party has had an opportunity to consult their separate legal counsel with respect to this agreement, so that the rules of construction with respect to who drafted this agreement should not create a presumption for or against any of the parties.
15. The parties may proceed at law (money damages) or in equity (specific performance) with respect to a breach of this agreement by a party.
16. Within ten (10) years after substantial completion of TCR water system, if there is no written notice of any problems between the parties regarding this agreement, then this agreement shall automatically terminate.

TETON CREEK RESORT, LLC

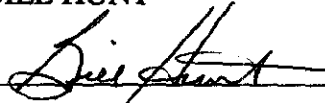
By: 

Its: MANAGING MEMBER

JOHN MATTHEWS



BILL HUNT



MICROFILMED
SEP 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 5, 2002

TETON CREEK RESORT LLC
ATTN TAMARA ALBRECHT
PO BOX 3010
JACKSON WY 83001-3010

RE: PERMIT NO. 22-7786

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **September 1, 2007**. Please note that the approved request reinstates the permit, however, since your request was submitted after the proof due date the priority of the permit advances to September 4, 1995, as referenced in Section 42-218a, Idaho Code.

Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department may not be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 22-7786

Reviewed By: dgibson

Date: September 4, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?		X	Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	C064348		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?		X	Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	09/04/2002	New proof due date	09/01/2007
Date proof due	- 09/01/2002		
Lapse notice sent	-		
No. of days late	= 3		
Holiday allowance	+		
Priority date	+ 09/01/1995		
New priority date	= 09/04/1995		

Action Taken

Acknowledge request. Reinstate permit and extend proof deadline to Sept. 1, 2007. Add text to have permit holder obtain department's prior approval if they were to assign ownership of property to someone else. *Change address.*

June 30, 2002

TETON CREEK RESORT LLC
C/O ROBERT NORTON
PO BOX 1599
JACKSON, WY 830011599

PROOF DUE NOTICE

RE: PERMIT NO. 22-7786

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

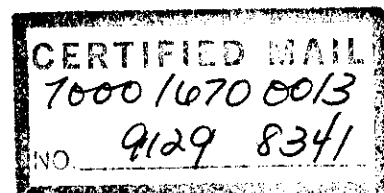
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 20, 1997

TETON CREEK RESORT LLC
C/O ROBERT NORTON
PO BOX 1599
JACKSON WY 83001-1599

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07786

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Please note this water right limits irrigation occurring under the domestic use to one-half acre within each platted subdivision lot upon which a home has been constructed. This permit does not provide for irrigation of common areas or for irrigation of lots with no homes.

MICROFILMED

AUG 10 1997

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

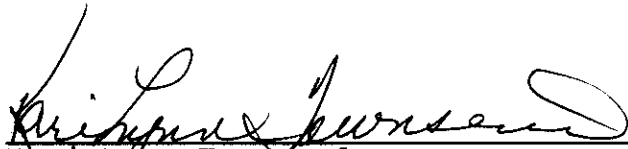
SEP 10 1987

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 22-07786

TETON CREEK RESORT LLC
C/O ROBERT NORTON
PO BOX 1599
JACKSON WY 830011599


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 10 1997

MEMORANDUM

DATE: August 19, 1997
TO: File No. 22-07786
FROM: Cindy Zimmerman *CS*
RE: Permit Review

This application proposes the development of 247 condominium units, a 9,200 sq. ft. lodge, and 2 retail sales commercial buildings totaling 13,000 sq. ft. Domestic use is identified as 0.56 cfs. Fire protection use is identified as 2.23 cfs. Commercial use should be identified as a separate use.

I telephoned Richard Albrecht, a partner in Teton Creek Resort LLC, today to gain information on the commercial use. Commercial use has not been specifically defined as yet. He envisions commercial use to be light retail sales, ex., bike shop, clothing store, sporting goods stores. The first phase of construction has not begun yet. Building of the two commercial buildings will occur at a later phase of construction. Mr. Albrecht did not foresee more than 10 retail shops total with minimal water usage. A clubhouse type recreation facility is planned to be added at a later date. The clubhouse may include water amenities like a sauna, hot tub, and/or pool. Mr. Albrecht suggested that the LLC apply for additional water rights for the clubhouse and any other additional commercial use when plans are firmed up.

Mr. Albrecht also identified that the lodge is intended for meeting purposes only, not overnight guests. The lodge may accommodate up to 100 people in conference type settings. Food may be catered to a conference from a limited service kitchen in the lodge.

I explained to Mr. Albrecht the limitations of 42-111(1)(b), Idaho Code. Mr. Albrecht did not foresee a commercial tenant using more than 0.04 cfs or 2,500 gallons per day.

I recommend this application be permitted as follows:

Commercial use	0.40 cfs	1/1-12/31	10 light retail shops
Domestic use	0.56 cfs	1/1-12/31	247 condominiums w/lawns
Fire Protection use	2.23 cfs	1/1-12/31	
Maximum rate of diversion	2.23 cfs		

- Commercial use is for up to 10 retail shops within 2 commercial buildings, and a lodge.
- Commercial use should be limited to no more than 0.04 cfs and 2,500 gallons per day per tenant.
- Domestic use is for 247 condominium units and no more than 13.1 acres of lawns associated within the condos.
- Places of use are located within Teton Creek Resort.

MICROFILMED
SEP 10 1997

RECEIVED

JUL 07 1997

DEPARTMENT OF WATER RESOURCES

Dist. for staffing
Submitted for advertising

9-1-95

9-6-95

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HUT DATE 9-6-95 APPLICATION NO. 22-7786
Teton Creek Resort
REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

Overlapping place of use (Describe source & relationship to present application on the back.)

Overlapping point of diversion

☐ Yes ☒ No Field check required

Field check by _____

☐ Yes ☒ No Field report attached

☐ Yes ☒ No Critical groundwater area

☐ Yes ☒ No Groundwater management area

☐ Yes ☒ No Send dam safety information

☐ Yes ☒ No Send power requirement letter

☐ Yes ☒ No Send fish farm requirement letter

☐ Yes ☒ No Power residency affidavit

☐ Yes ☒ No Power efficiency form

☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)

☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

PROCESSING ☒ Yes ☒ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 10-10-95
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations, attached
☒ Yes ☐ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 9-1-95
By Huf Date 7-1-97

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

County will not accept Subdivision until water right permit
is approved

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other_____

Project impacts/implications report

COMMENTS

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

**NELSON
ENGINEERING, INC.**

CONSULTING ENGINEERS, SURVEYORS & PLANNERS

Robert R. Norton, PE & LS
Project Manager

POST OFFICE BOX 1599
430 SO. CACHE

JACKSON, WYOMING
(307) 733-2087

JERRY BROWN

Land Use Consultant

3650 North Alta Road
Alta, Wyoming 83422
(307) 353-2590

Land Use • Planning • Consulting • Development

A-W Engineering

Box 139 - 4 NORTH MAIN
VICTOR, IDAHO 83455

ARNOLD W. WOOLSTENHULME
PROFESSIONAL ENGINEER / LAND SURVEYOR

(208) 787-2952

MICROFILMED

SEP 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1997

ROBERT NORTON
TETON CREEK RESORT LLC
PO BOX 1599
JACKSON WY 83001

RE: Application for Permit No. 22-07786

Dear Applicant:

This letter is to advise you that the protest filed by William P. Hunt and John E. Matthews against approval of the above referenced application for permit has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED

SEP 10 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1997

A W ENGINEERING
BOX 139
VICTOR ID 83455

RE: Application for Permit No. 22-07786 Teton Creek Resort

Dear Sir:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

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SEP 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1997

JERRY BROWN
3650 NORTH ALTA RD
ALTA WY 83422

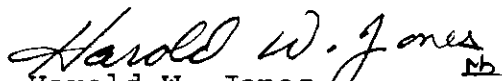
RE: Application for Permit No. 22-07786 Teton Creek Resort

Dear Sir:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

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SEP 10 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1997

BILL HUNT
PO BOX 210
DRIGGS ID 83422

RE: Application for Permit No. 22-07786 Teton Creek Resort

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest by you against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED

SEP 10 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

June 30, 1997

KARL J. DREHER
DIRECTOR

JOHN MATTHEWS
222 PIONEER TRAIL
DRIGGS ID 83422

RE: Application for Permit No. 22-07786 Teton Creek Resort

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest by you against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

MIPOFALMED

SEP 10 1997

December 12, 1995

Idaho Dept of Water Resources
Statehouse
Boise, Idaho

RECEIVED

DEC 21 1995

Department of Water Resources
Eastern District Office

RECEIVED

DEC 19 1995

Department of Water Resources

22-7786

Re: Proposed Telon Creek Resort

Gentlemen:

As owner of Eagle Rest Subdivision at Priggs, Idaho I have become concerned about the above Resort because it adjoins my property.

This Development has become controversial polarizing the citizens of the Valley. The proposed density and a significant commercial profile was a red flag to many citizens.

I believe a very critical issue is the water resource. Pollution of this drainage system is inevitable long before it has reached completion and is fully occupied and functioning. (I think) my property would then be directly

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SEP 10 1997

and negatively affected. The result
could be pollution and over-consumption
of the ^{water} resource. The water ^{table} level must
certainly fluctuate relative to the
seasons, the runoff and the use for
irrigation, etc. (Each best utilization will
be individual water wells and septic tanks.)

I am concerned for my property value
and also for the possible degradation
of the drainage system of this region.

I would like to hear about
your review of the Zeton Creek Resort
and your findings. Thank you.

Sincerely,

Ellen M. Bratlien

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SEP 10 1987

 ELLEN M. BRATLIEN
RT ONE BOX 35
NOONAN, ND 58768

The City of Driggs

80 North Main St. - P.O. Box 48

Driggs, Idaho 83422

22 December 1995

RECEIVED

DEC 26 1995

Department of Water Resources
Eastern District Office

Velma Dustin, Mayor

Ph: 208-354-2362

FAX: 208-354-8522

Ron Carlson, Regional Manager
District 1, Idaho Dept. of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402

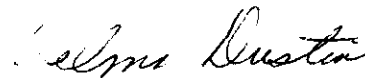
Re' Teton Creek Resort - Well Drilling Proposal

Dear Mr. Carlson;

As we discussed this morning on the phone, the City of Driggs has been approached by representatives of a group concerned about the development of Teton Creek Resort; specifically, the possible impact of its proposed wells on the productiveness and viability of existing wells in the immediate area. As you know, the City operates a well in the vicinity, so we have a certain vested interest in the situation.

The City's interest is in being kept aware of developments in this case, in order to protect our water resources. Please keep us advised of any information which may, in your judgement, effect the City's interests.

Sincerely,



Velma Dustin

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SEP 10 1997

October 23, 1995

ROBERT NORTON
TETON CREEK RESORT LLC
PO BOX 1599
JACKSON WY 83001

RE: Application for Permit No. 22-07786

Dear Applicant:

Enclosed are copies of protests filed against the issuance of the above referenced applications. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

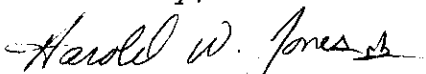
Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

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SEP 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 23, 1995

WILLIAM P HUNT
PO BOX 210
DRIGGS ID 83422

RE: Application for Permit No. 22-07786 TETON RESORT LLC

Dear Protestants:

Your protest against approval of the above referenced applications have been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203) the following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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SEP 10 1997

William P. Hunt
Page 2

5. Will the proposed use under this permit conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones rb
HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

MICROFILMED
SEP 10 1987

AFFIDAVIT OF PUBLICATION

State of Idaho)

)ss

County of Teton)

I, Nadine Sore.....
being first duly sworn, depose and say that I am
the secretary... of the Teton Valley News,
a newspaper as defined by Idaho Codes An-
notated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed and
published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice, ad-
vertisement, or publication of

notice of application for
water right

And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 21 day of Sept.....
1995

And affiant further says that at the times herein
mentioned said newspaper was made up of at
least eight pages of at least five columns each,
printed from typed matter, of at least sixteen in-
ches deep.

Nadine Sore

State of Idaho)

County of Teton)

On this 19th day of October
in the year of 1995, before me, a Notary Public,
personally appeared Nadine Sore.....
known or identified to me to be the person whose
name subscribed to the within instrument, and
being by me first duly sworn, declared that the
statements therein are true, and acknowledged to
me that he executed the same.

Bonnie Johnson
Notary Public for Idaho

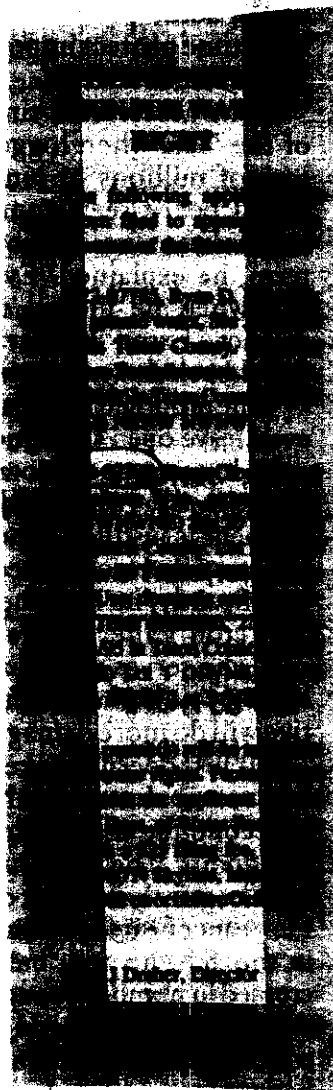
Residing at Driggs ID

My commission expires 10/24/98

RECEIVED

OCT 20 1995

Department of Water Resources
Eastern District Office



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SEP 10 1997

22-07786

TETON CREEK RESORT LLC
C/O ROBERT NORTON
PO BOX 1599
JACKSON, WY 83001

Source: GROUNDWATER

Diversion Pt: LOT 1 (NWNWNE) Sec 20 T 05N R 46E in TETON County.
LOT 3 (NENWSE) Sec 20 T 05N R 46E in TETON County.

Use: DOMESTIC (0.560 CFS)
FIRE PROTECTION (2.230 CFS)
Total Diversion: (2.230 CFS)

Date Filed: 9/ 1/1995

In: TETON County
T05N R46E S20 Lot 1 (NWNE) Lot 2 (SWNE) NESW Lot 3 (NWSE)

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SEP 10 1997

RECEIVED

OCT 10 1995

7/94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTESTDepartment of Water Resources
Eastern District Office

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested PERMIT # 22-7786 TETON CREEK RESORT LLC
2. Name of protestant WILLIAM P. HUNT John C. Matthews
3. Protestant's representative for service (if different than protestant)

4. Service mailing address P.O. BOX 210 DRIBBS, IDAHO 83422
5. Service telephone no. 208-354-8196
6. Basis of protest (including statement of facts and law upon which the protest is based) _____
OUR HOUSEHOLD WELLS ARE LOCATED A SHORT DISTANCE
TO THE SOUTHWEST OF THE PROPOSED WELL LOCATION FOR
THE TETON CREEK RESORT. WE ARE CONCERNED WITH THE
SIZE AND LOCATION OF THE ^{WELL} PLANNED FOR THE RESORT AND
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? WE REQUEST A STUDY BE DONE BY
A PROFESSIONAL HYDROLOGIST WITH RESOLUTION BEING BASED
ON THE FINDINGS OF THAT STUDY.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 8 day of OCTOBER, 19 95
William P. Hunt John C. Matthews
PROTESTANT
PROTESTANT'S REPRESENTATIVE

#6 (CONT.) ITS IMPACT ON THE WATER TABLE AND OUR
WELLS.

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SEP 10 1997

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by RB Date 10-10-95 Time 11:50
\$25.00 fee Receipted by RB # E021588 Date 10-10-95

MICROFILMED

SEP 10 1997



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

1410 North Hilton, Boise, ID 83706-1255, (208) 334-0502

Philip E. Batt, Governor

September 25, 1995

Harold W. Jones
Water Right Supervisor
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402

RE: Application No. 22-07786

Dear Harold:

This is in regard to the application for permit to appropriate the public waters of the State of Idaho submitted by Teton Creek Resort LLC's engineering consultant, Robert Norton. We have reviewed the application and found it to be acceptable.

Thank you for the opportunity to review the appropriation permit. If you have any questions or if we can be of help to you, please feel free to call me at (208) 528-2650.

Sincerely,

Gregory Eager, P.E.
Senior Water Quality Engineer

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SEP 10 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 1995

ROBERT NORTON
TETON CREEK RESORT LLC
PO BOX 1599
JACKSON WY 83001

RE: Notice of Application for Permit No. 22-07786

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the applications in the Teton Valley News on September 21 & 28, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

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SEP 10 1995

NELSON ENGINEERING

POST OFFICE BOX 1599 JACKSON, WYOMING 83001 307-733-2087

CONSULTING ENGINEERS, SURVEYORS & PLANNERS

RRN/95-092-1

RECEIVED
SEP 08 1995

September 5, 1995

Idaho Department of Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, ID 83402

Department of Water Resources
Eastern District Office

ATTN: Harold W. Jones, Water Rights

RE: Application for Permit to Appropriate Groundwater for
Teton Creek Resort, LLC

Dear Harold:

Enclosed is a site plan, 1"=200' scale, of the proposed Teton Creek Resort Project. This site plan shows the location of buildings, parking areas, roads, and potential irrigated areas. Total irrigated area is 13.13 acres around 35 separate buildings.

I am not able to send you a final plat of the development because a plat of the condominiums, which defines the air space of the unit, cannot be prepared until the structure is built. Teton County has placed a condition on the preliminary plat approval that we must obtain permits to appropriate groundwater prior to final plat; and, of course, the developers would like to be assured that they can obtain a permit before they start to construct condominium buildings.

If you have any questions or need additional information, please give me a call.

Sincerely,


Robert R. Norton, PE & LS
Project Engineer

Enc.

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SEP 10 1997