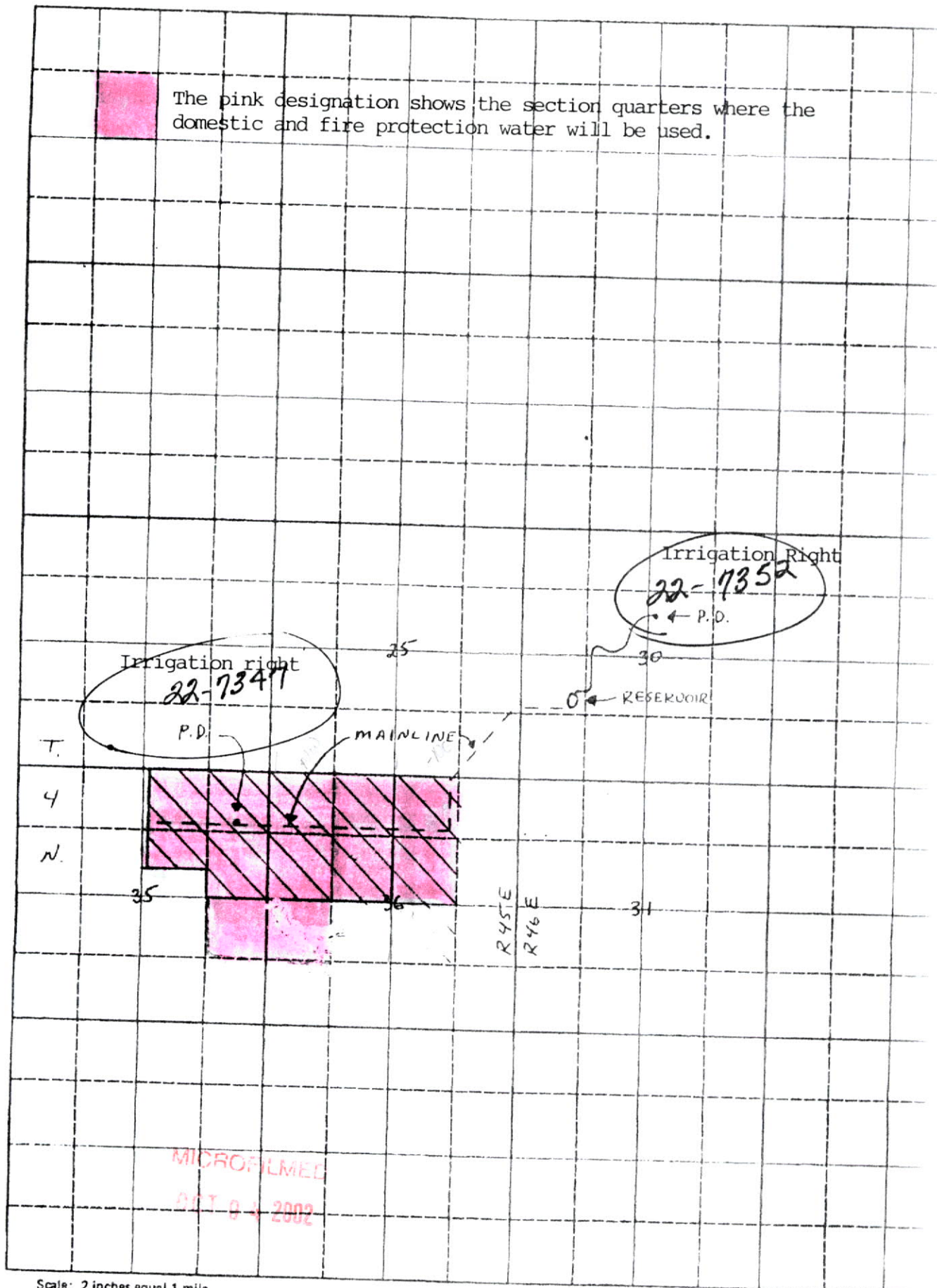


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for a right of way for the purpose of constructing a water diversion project.

AFFIDAVIT OF PUBLICATION

State of Idaho)

)ss

County of Teton)

I, Bob Reece, being first duly sworn, depose and say that I am the Art Director of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, 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, advertisement, or publication of Teton Valley News.

And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof, first publication having been made on the 4 day of July, 2002. 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 inches deep.

Bob Reece

Signature

State of Idaho)

County of Teton)

On this 22nd day of August, 2002, before me, a Notary Public, personally appeared Bob Reece 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 there-in are true, and acknowledged to me that he/she executed the same.

Bonnie Zolner

Notary Public for Idaho

Residing at Driggs Idaho

My commission expires 10/01/2004

Public Notice

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

22-1324

Point(s) of Diversion: NWNES36 T04N R45E and NENE S35 T04N R45E, TETON County source GROUND WATER

Use: Domestic 01/01 To 12/31

0.75 CFS

Use: Fire Protection 01/01 To 12/31 0.75 CFS

Date filed: 06/12/2002

Place of Use: Fire Protection and Domestic

T04N R45E S35 NENE

NWNE SWNE SENE NESE

T04N R45E S36 NWNE

SWNE NENW NWNW SWNW SENW NWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 for each application on or before July 22, 2002. The protestant must also send a copy of the protest to the applicant.

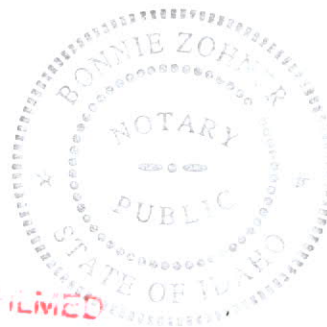
Karl J. Dreher, Director

Published in the Teton Valley News on July 4 and July 11, 2002.

RECEIVED

AUG 27 2002

Department of Water Resources
Eastern Region



MICROFILMED

OCT 24 2002

RECEIVED

AUG 27 2002

Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13244

Priority: 03/06/2002

Maximum Diversion Rate: 2.05 CFS

This is to certify, that TETON VALLEY GOLF ASSOCIATES LP
C/O PAMELA WASCHER
PO BOX 5656
TWIN FALLS ID 83303-5656

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
FIRE PROTECTION	01/01 to 12/31	2.05 CFS
DOMESTIC	01/01 to 12/31	0.75 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼NE¼	Sec. 36, Twp 04N, Rge 45E, B.M., TETON County
GROUND WATER	NE¼NE¼	Sec. 35, Twp 04N, Rge 45E, B.M., TETON County

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 45E 35	X	X	X	X									X				
04N 45E 36		X	X		X	X	X	X	X								

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 45E 35	X	X	X	X									X				
04N 45E 36		X	X		X	X	X	X	X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2007**.
2. Subject to all prior water rights.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

MICROFILMED

OCT 04 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 22-13244

5. Domestic use is for 384 homes.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
9. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of September, 2002.


for KARL J DREHER, Director

MICROFILMED

OCT 04 2002

FORM 202
12/99

SEP - 4 2002

Ident. No. _____

22-13244
RECEIVED

MAR - 6 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Valley Golf Associates LP Phone (208) 837-6641
Mailing address P. O. Box 5656, Twin Falls, ID 83303-5656

2. Source of water supply ground water which is a tributary of _____

3. Location of point of diversion is Township 4N Range 45E Sec. 36 in the NW NE 1/4,

~~NW&SW 1/4 of NE 1/4, NW 1/4 of SW 1/4, Section 35 NE 1/4, NE 1/4 of SE 1/4, PM, Teton County;~~

additional points of diversion if any: E 4N 45E Sec. 35 NE NE

4. Water will be used for the following purposes:

Amount 5.975 cfs for domestic purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.045 cfs for fire protection 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)

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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 5.975 and/or (b) 2.05
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source project to be phased; use of well(s) for first 34 homes - see attached Well Detail #1 and #2

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 384 households

e. Other; describe fully. _____

MICROFILMED

OCT 04 2002

3. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	36		D	D		D	D	D	D		D							
		36		F	F		F	F	F	F		F							
		35	D	D	D	D									D				
		35	F	F	F	F									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? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- 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: Domestic water will be distributed through a community water system approved by the Idaho Department of Environmental Quality, Eastern Region Office
Fire protection water will be disbursed through fire hydrants placed in accordance with the Teton County Fire Protection Ordinance.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

TETON VALLEY GOLF ASSOCIATES LP

By Broadmoor Company, Inc., General Partner

By Pamela J. Wascher
 Signature of Applicant (and title, if applicable)

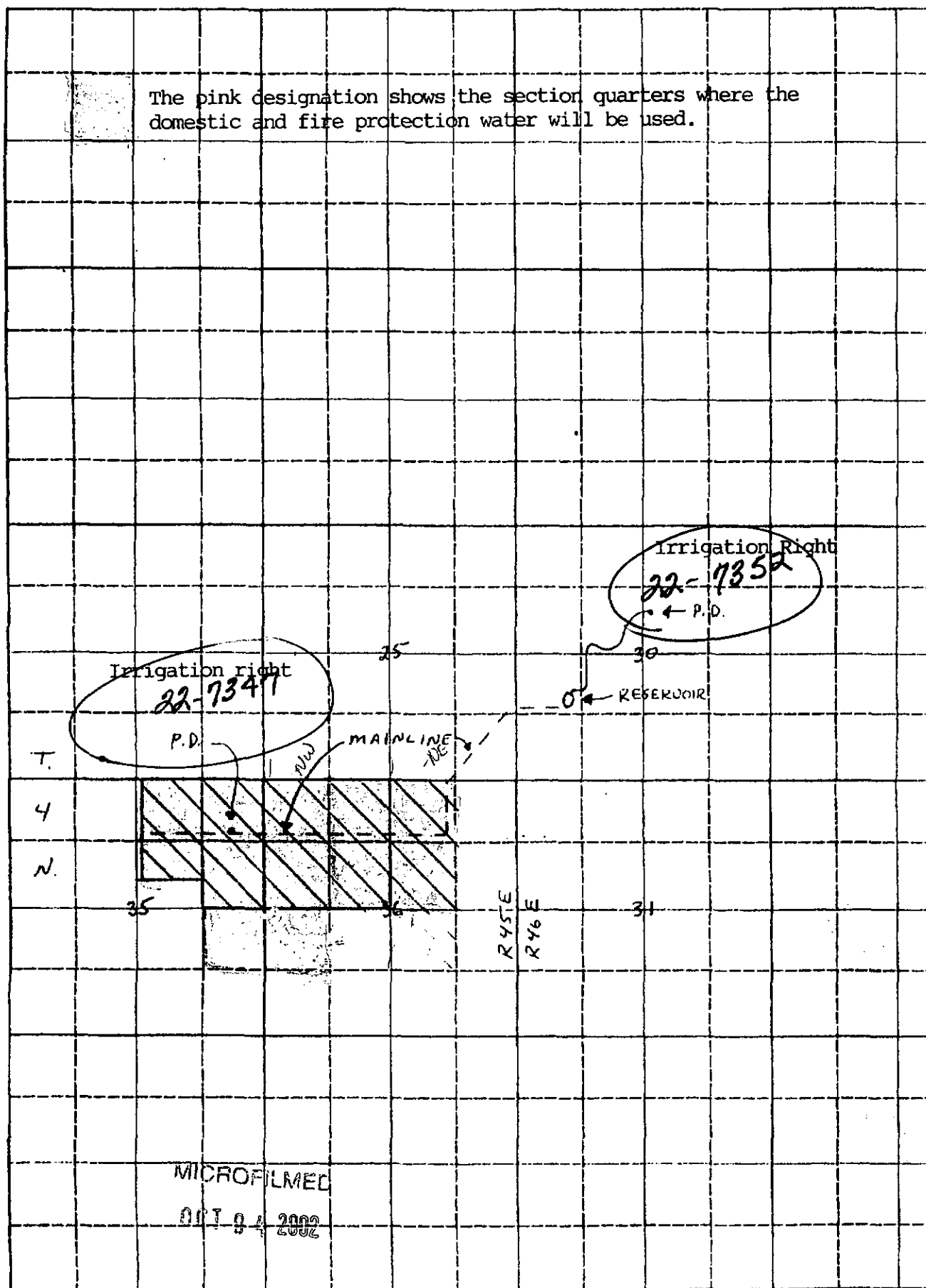
Pamela J. Wascher, Secretary

Received by Jm Date 3/6/02 Time 4:27P Preliminary check by _____
 Fee \$ 450.00 Receipted by Jm # 2060449 Date 3/6/02
 Publication prepared by sc Date 4/4/02 Published in Teton Valley News
 Publication approved _____ Date _____

MICROFILMED

OCT 04 2002

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permission to use the water of the

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO**

Mike E. O'Neal, Esq.
24255 Pacific Coast Highway
Malibu, CA 90263-4458
(310) 506-4458

Tax: _____

QUITCLAIM DEED

For Value Received,

Teton Valley Country Club, Inc., an Idaho corporation,

Hereinafter called the Grantor, hereby conveys, releases, remises, and forever quitclaims unto

Teton Valley Golf Associates, LP, an Idaho limited partnership,

whose address is: c/o Mr. John Steinbacher, Broadmoor Company Inc., General Partner
529 E. Sunnyridge Court, Boise, ID 83702

Hereinafter called the Grantee, the following described premises situated in Teton County, State of Idaho:

**All its interest in the property described on Exhibit A attached hereto and
incorporated herein by reference,**

together with its appurtenances.

Dated: October 8, 2001

Teton Valley Country Club, Inc.

By: _____

Bart M. Hackley, Jr., President

By: _____

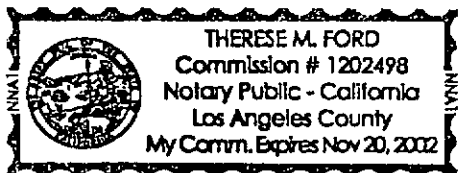
Sarah Victoria Hackley, Secretary

MICROFILMED
OCT 04 2002

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On October 8, 2001 before me, THERESE M. FORD, a Notary Public, personally appeared Bart M. Hackley, Jr., known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



(SEAL)

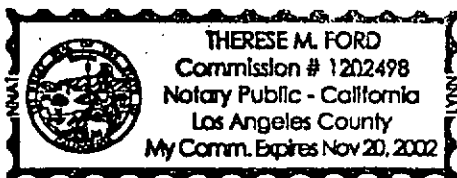
THERESE M. FORD
Notary Public in and for the
State of California

Residing at: 3085 Windrift Ct. Thousand Oaks, CA 91360
Commission Expires: Nov. 20, 2002

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On October 8, 2001 before me, THERESE M. FORD, a Notary Public, personally appeared Sarah Victoria Hackley, known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacities, and that by her signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



(SEAL)

THERESE M. FORD
Notary Public in and for the
State of California

Residing at: 3085 Windrift Ct. Thousand Oaks, CA 91360
Commission Expires: Nov. 20, 2002

MICROFILMED

OCT 04 2002

EXHIBIT "A"

LEGAL DESCRIPTION

1. The West Half of the Northwest Quarter, and the West Half of the East Half of the Northwest Quarter of Section 36, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.
2. The Northwest Quarter of the Southwest Quarter of Section 36, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, and the East 64 rods of the Northeast Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 45 East, Boise Meridian, in Teton County, Idaho.
3. Township 4 North, Range 45 East, Boise Meridian, Section 36: The West Half of the Northeast Quarter and the East Half of the East Half of the Northwest Quarter.
4. Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho Section 35: The North Half of the Northeast quarter less highway right of way and railroad right of way, and Tax #1457 being further described as beginning at the East Quarter corner of Section 35, Township 4 North, Range 45 East, Boise Meridian and running thence West 1120 feet; North 677.6 feet; West 1317.5 feet; thence North along the East line of railroad right of way 642.4 feet; East 2437.5 feet; South 1320 feet to point of beginning. Less: Highway and Railroad right-of-ways.

Together with all surface and subsurface water, mineral and geothermal rights, ditch rights, ditches, tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

Together with all water rights appertaining thereto, including but not limited to 72 shares in Trail Creek Sprinkler Company, and 60 irrigation pipes.

Containing 448 acres, more or less.

MICROFILMED
OCT 04 2002

LIST OF OFFICERS:

Teton Valley Golf Associates LP, an Idaho Limited Partnership

General Partner:

Broadmoor Company, Inc.
P. O. Box 5656
Twin Falls, ID 83303-5656
Phone: (208) 837-6641
Fax: (208) 837-9165
e-mail waterlandplan@aol.com

Officers:	President	John Steinbacher	Phone: (208) 338-5400
	Vice President		
	and CFO	Michael McCarthy	Phone: (208) 539-0641
	Secretary	Pamela J. Wascher	Phone: (208) 539-5641

Limited Partner:

Wave Enterprises, Inc., a California nonprofit corporation, a subsidiary of Pepperdine University, Malibu, California.

MICROFILMED
OCT 04 2002



**Idaho Secretary of State
Viewing Business Entity**

[\[New Search \]](#) [\[Back to Summary \]](#)

[\[Get a certificate of existence for TETON VALLEY GOLF ASSOCIATES LP \]](#)

TETON VALLEY GOLF ASSOCIATES LP

2724 NORTHVIEW DR E
HAGERMAN, ID 83332

Type of Business: LIMITED PARTNERSHIP

Status: CURRENT 26 Oct 2001

State of Origin: IDAHO

Date of Origination/Authorization: 26 Oct 2001

Initial Registered Agent: P J WASCHER
2724 NORTHVIEW DR E
HAGERMAN, ID 83332

File Number: L4740

Date of Last Annual Report: N/A

Amendments:

Amendment 0 filed 26 Oct 2001 CERTIFICATE OF LP

[View Document Online](#)
[Download \(TIFF format\)](#)

MICROFILMED
OCT 04 2002

FILED/EFFECTIVE



CERTIFICATE OF LIMITED PARTNERSHIP

(Instructions on back of application)

OCT 26 3 48 PM '01

SECRET
STATE

TE

1. The name of the limited partnership is: Teton Valley Golf Associates LP
2. The name and business address of the registered agent are:
P. J. Wascher, 2724 Northview Drive E, Hagerman, ID 83332
3. The name and business address of each general partner are:

<u>Name</u>	<u>Address</u>
<u>Broadmoor Company, Inc.</u>	
<u>2724 Northview Drive East</u>	
<u>Hagerman, ID 83332</u>	

(If more space is needed, continue in item 4.)
4. Other matters (optional):

5. Signature of all general partners:

Broadmoor Company, Inc.
Pamela Wascher Typed Name
 By Pamela Wascher Typed Name Secretary
 _____ Typed Name
 _____ Typed Name

Secretary of State use only

 s:\corp\format\information\pals
 Revised 01/2001

 IDAHO SECRETARY OF STATE
 10/26/2001 05:00
 CK: 9201 CT: 140411 RH: 426559
 1 @ 100.00 = 100.00 LTD PER DM # 2

MICROFILMED

OCT 04 2002

L 4740



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

[[Get a certificate of existence for BROADMOOR COMPANY, INC.](#)]

BROADMOOR COMPANY, INC.

PO BOX 5656
TWIN FALLS, ID 83303

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING 12 Sep 2001

State of Origin: IDAHO

Date of Origination/Authorization: 12 Sep 2001

Initial Registered Agent: P J WASCHER
2726 NORTHVIEW DR E
HAGERMAN, ID 83332

Organizational ID / Filing Number: C140651

Number of Authorized Stock 50000

Shares:

Date of Last Annual Report: N/A

Amendments:

Amendment 0 filed 12 Sep 2001 INCORPORATION

[View Document Online](#)
[Download \(TIFF format\)](#)

MICROFILMED
OCT 04 2002

FILED/EFFECTIVE

SEP 12 4 24 PM '01

ARTICLES OF INCORPORATION
(General Business)

The undersigned, in order to form a Corporation under the provisions of Title 30, Chapter 1, Idaho Code, submits the following articles of incorporation to the Secretary of State.

Article 1:

The name of the corporation shall be: Broadmoor Company, Inc.

Article 2:

The number of shares the corporation is authorized to issue: 50,000 shares

Article 3:

The street address of the registered office is: 2726 Northview Drive E., Hagerman, ID 83332 and the registered agent at such address is: P. J. Wascher

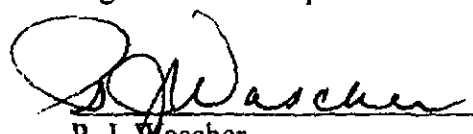
Article 4:

The name and address of the incorporator is: P. J. Wascher, 2726 Northview Drive E., Hagerman, ID 83332

Article 5:

The mailing address of the corporation shall be: P. O. Box 5656, Twin Falls, ID 83303

Signature of incorporator:

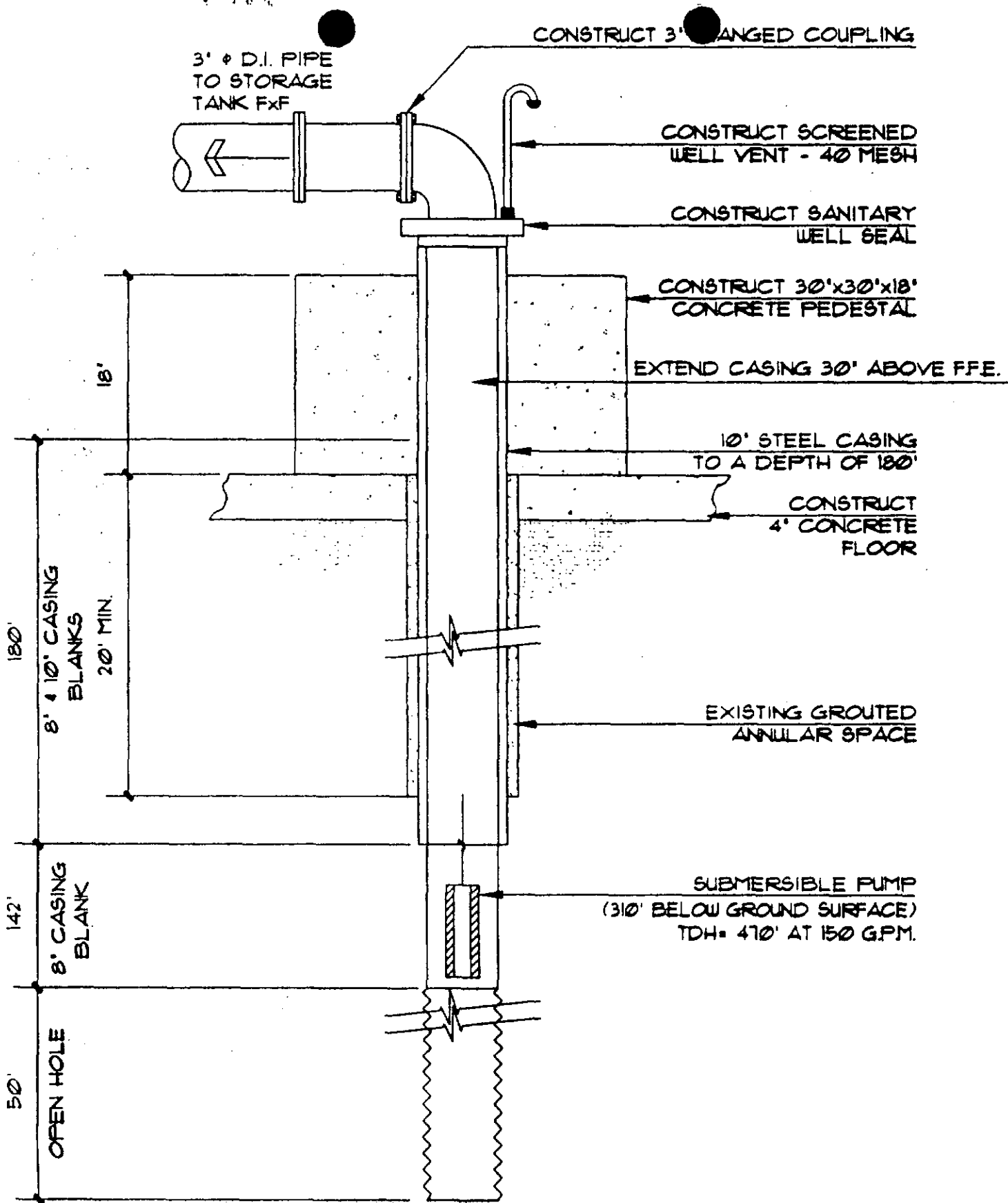

P. J. Wascher

Secretary of State use only

MICROFILMED
OCT 04 2002

IDaho SECRETARY OF STATE
09/12/2001 05:00
CK: 9169 CT: 140411 DN: 418770
1 @ 100.00 = 100.00 CORD # 2

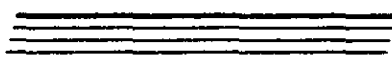
C140651



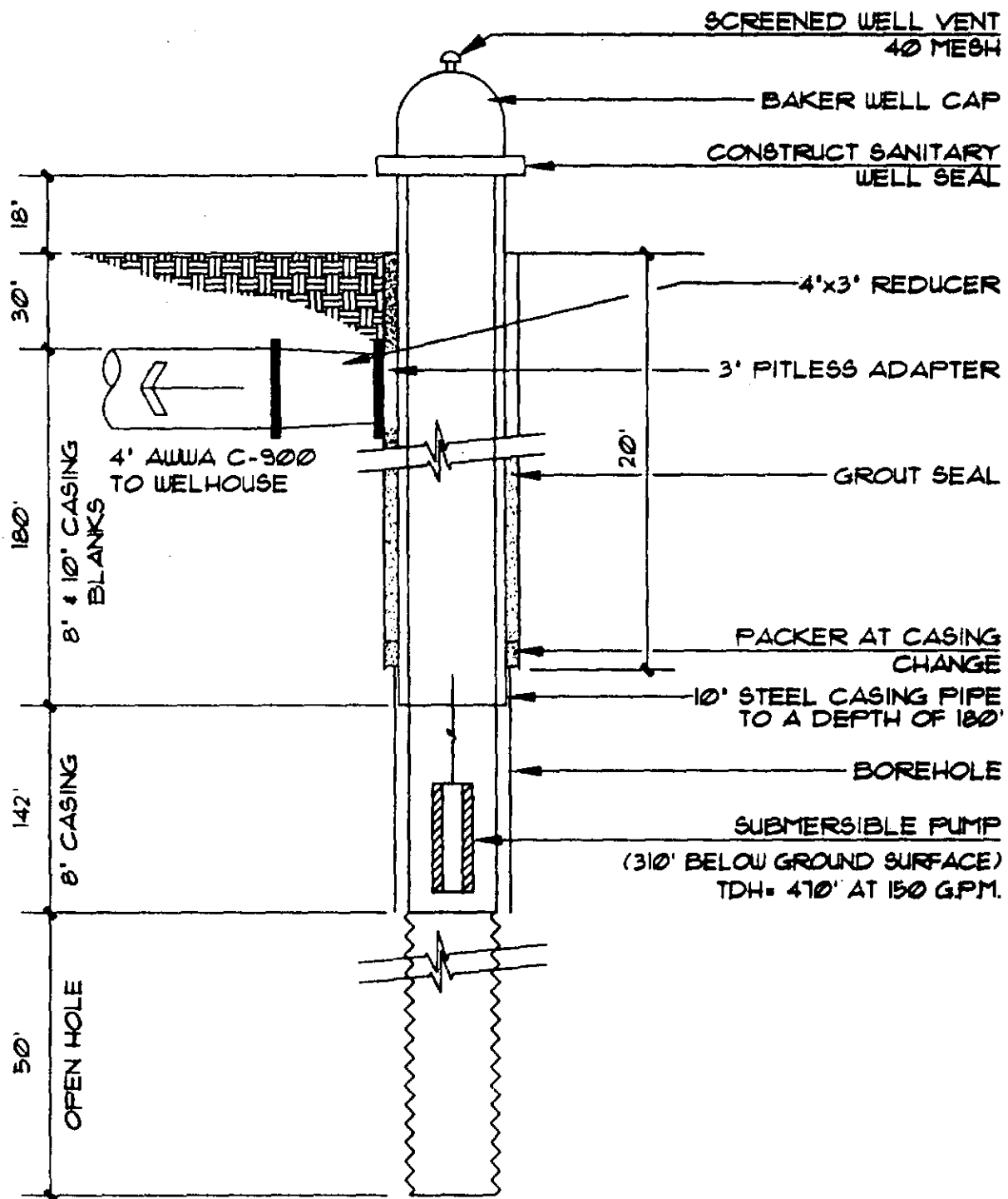
MICROFILMED

OCT 0 1962

WELL (#1)



1" = 1'-0"

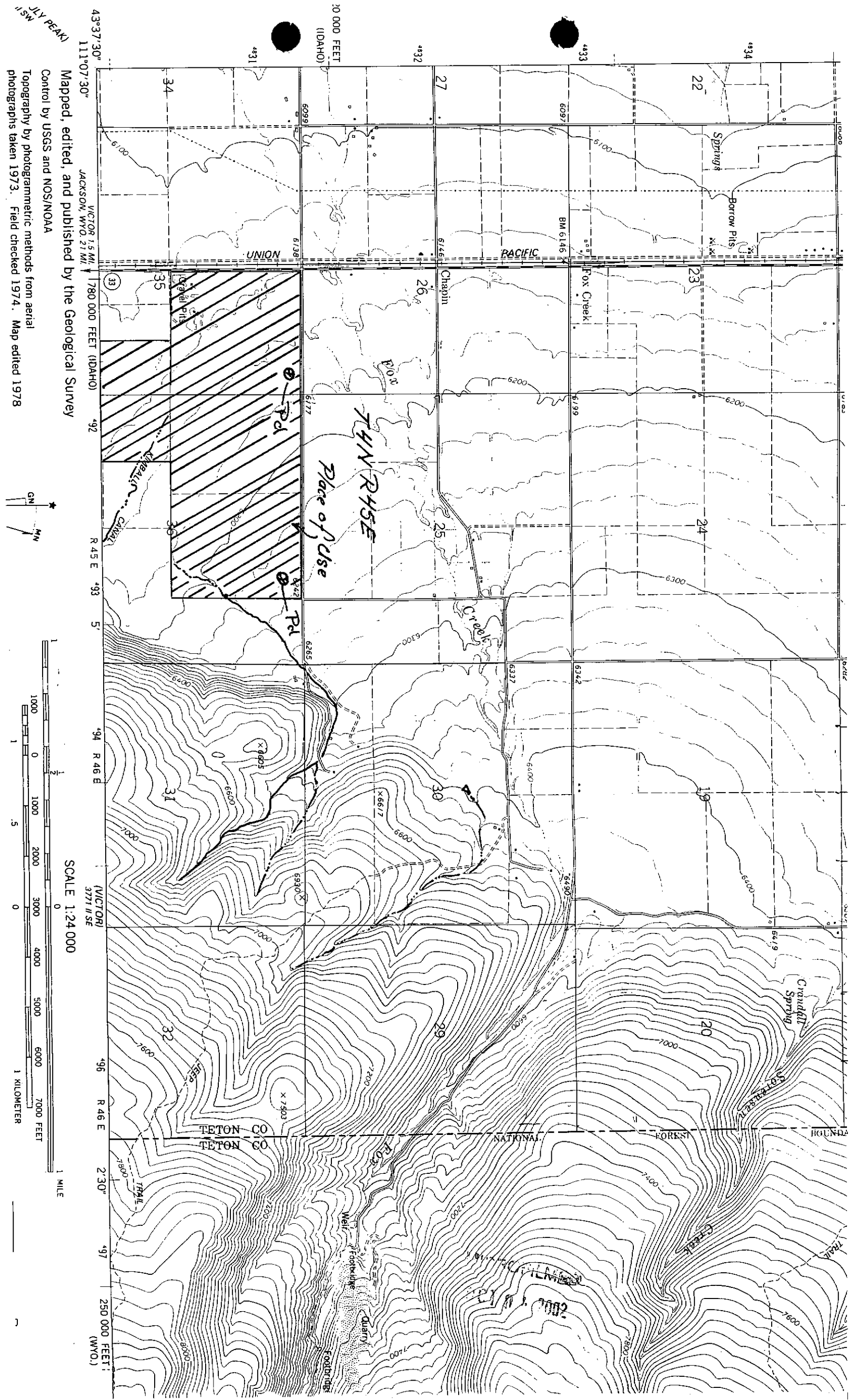


WELL #2 DETAIL $1" = 1' - \emptyset$

MICROFILMED

OCT 0-4 2002

JULY PEAK
1/1 SW





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 12, 2002

TETON VALLEY GOLF ASSOCIATES LP
C/O PAMELA WASCHER
PO BOX 5656
TWIN FALLS ID 83303-5656

RE: Permit No. 22-13244

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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.

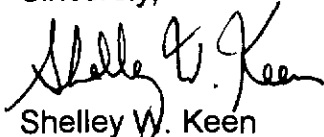
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED
OCT 04 2002

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to 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 or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
OCT 04 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

22-13244

**TETON VALLEY GOLF ASSOCIATES LP
C/O PAMELA WASCHER
PO BOX 5656
TWIN FALLS ID 83303-5656**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
OCT 04 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
OCT 9 2 2002

Comment Report

22-13244

1. kwalker 9/4/2002 2:04:49 PM Comment Letter Notes

Comment:

WHO: IDEQ

RESPONSE: None

DATE RECEIVED: 9/4/2002

2. kwalker 9/5/2002 Place of Use Overlap

Comment: Found partial overlaps under Rt. 22-07347, 22-07352 and the Fox Creek Canal Co. for irrigation uses.

3. kwalker 9/11/2002 Lawn Irrigation

Comment: I contacted Pam Washer this morning to find out if the lawns in this subdivision would be irrigated from the wells. Ms. Washer stated that the lawns would be irrigated from the wells; there is no surface water from Fox Creek Canal on the property. She said the homes would be patio homes and lawns would be very small.

MICROFILMED

OCT 04 2002

RECEIVED

SEP - 4 2002

Department of Water Resources

Dist for Staffing _____
Submitted for advertising 6-13-02STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMITTeton Valley Golf
INITIAL REVIEW BY HW DATE 6-11-02 APPLICATION NO. 22-13244

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 subdivision, 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 signatory 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 Critical groundwater area
 _____ Yes S No Groundwater management area
 _____ Yes S No Send dam safety information
 _____ Yes S No Send fish farm requirement letter
 _____ Yes S No Power residency affidavit
 _____ Yes S No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
☒ Yes _____ No **Public Water System**
 _____ Yes S No **Planning section review**
 _____ Yes S No **Moratorium Hold file**
 _____ 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:

- ☒ Id Dept of Environmental Quality JD Falls _____ U.S. BLM
 _____ Id Dept of Fish & Game _____ U.S. Forest Service
 _____ Id 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 _____
☐ 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 District _____
☐ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommendation _____

By: _____

Date: _____

STATE OFFICE REVIEW: _____

By: _____

Date: _____

ADDITIONAL INFORMATION: _____

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

AFFIDAVIT OF PUBLICATION

State of Idaho)

)ss

County of Teton)

I, Bob Reece, being first duly sworn, depose and say that I am the Art Director of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, 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, advertisement, or publication of Teton Valley News.

And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 4 day of July, 2002. 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 inches deep.

Bob Reece

Signature

State of Idaho)

County of Teton)

On this 22nd day of August, 2002, before me, a Notary Public, personally appeared Bob Reece 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 there-in are true, and acknowledged to me that he/she executed the same.

Bonnie Zohner

Notary Public for Idaho

Residing at Driggs Idaho
My commission expires 10/01/2004

Public Notice

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

22-1324

Point(s) of Diversion: NWNES36 T04N R45E and NENE S35 T04N R45E, TETON County source GROUND WATER

Use: Domestic 01/01 To 12/31

0.75 CFS

Use: Fire Protection 01/01

To 12/31 0.75 CFS

Date filed: 06/12/2002

Place of Use: Fire Protection and Domestic

T04N R45E S35 NENE

NWNE SWNE SENE NESE

T04N R45E S36 NWNE

SWNE NENW NWNW SWNW SENW

NWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 for each application on or before July 22, 2002. The protestant must also send a copy of the protest to the applicant.

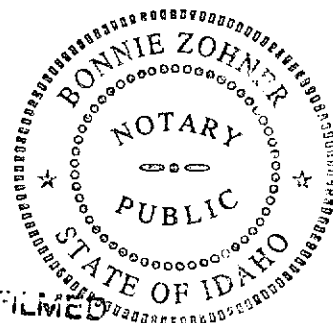
Karl J. Dreher, Director

Published in the Teton Valley News on July 4 and July 11, 2002.

RECEIVED

AUG 27 2002

Department of Water Resources
Eastern Region



MICROFILMED

OCT 04 2002

RECEIVED

AUG 27 2002

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

June 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS, ID 83402

Application to Permit No. 22-13244

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by July 22, 2002.

Please contact this office if you have any questions regarding the application.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

Enclosure

MICROFILMED

OCT 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 26, 2002

TETON VALLEY GOLF ASSOCIATES LP
C/O PAMELA WASCHER
PO BOX 5656
TWIN FALLS ID 83303-5656

RE: Application for Permit No 22-13244

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Teton Valley News on July 4 and 11, 2002. Submittal of protests to this application will be allowed for a period ending ten days (July 22, 2002) after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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 Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED
OCT 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

June 26, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

Teton Valley News

80 E LITTLE AVE

DRIGGS ID 83422

RE: Application for Permit No. 22-13244, 22-13249 and 22-13250

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 22, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
6/26/02
sc*

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

22-13244

TETON VALLEY GOLF ASSOCIATES LP, C/O PAMELA WASCHER, PO BOX 5656, TWIN FALLS ID 83303-5656

Point(s) of Diversion: NWNE S36 T04N R45E and NENE S35 T04N R45E, TETON County

Source GROUND WATER

Use: DOMESTIC	01/01 To 12/31	0.75 CFS
Use: FIRE PROTECTION	01/01 To 12/31	2.05 CFS
	Total Diversion:	2.05 CFS

Date Filed: 06/12/2002

Place Of Use: FIRE PROTECTION and DOMESTIC

T04N R45E S35 NENE NWNE SWNE SENE NESE

T04N R45E S36 NWNE SWNE NENW NWNW SWNW SENW NWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 22, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 4 and July 11, 2002

MICROFILMED

OCT 04 2002