

RECEIVED

JAN 18 2007

DEPARTMENT OF  
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 24-2026

(Insert Water Right Number)

Case No. 39576

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: \_\_\_\_\_ RVG Trust, C/O Norm Sorensen \_\_\_\_\_

Address: \_\_\_\_\_ 5314 North 250 West Suite 210 \_\_\_\_\_

\_\_\_\_\_ Provo, Utah 84604 \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Name and Address of Attorney, if any:

JERRY R. RIGBY

P.O. BOX 250

REXBURG, IDAHO 83440

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: \_\_\_\_\_ RVG Trust C/O Norm Sorensen \_\_\_\_\_

Address: \_\_\_\_\_ 5314 North 250 West Suite 210 \_\_\_\_\_

\_\_\_\_\_ Provo, Utah 84604 \_\_\_\_\_

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☒ **Name and Address**  
Should be: RVG Trust, C/O Norm Sorensen, 5314 N. 250 W., Suite 210,  
Provo, UT 84604 \_\_\_\_\_
2. ☒ **Source**  
Should be: Webster Creek, Tributary to Salt River
3. ☒ **Quantity**  
Should be: 3.000cfs \_\_\_\_\_
4. ☒ **Priority Date**  
Should be: 07-08-1916
5. ☒ **Point of Diversion**  
Should be: T08S R46E S5 NWSWSE Within Caribou County
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: Recreation Storage, Irrigation, Recreation and Stockwater
8. ☒ **Period of Year**  
Should be: Recreation Storage - 01/01 - 12/31: 17 AFA  
Irrigation - 04/15 - 10/15: 1.21 CFS  
Recreation - 01/01 - 12/31: 3 CFS  
Stockwater - 01/01 - 12/31: 0.02 CFS
9. ☒ **Place of Use**  
Should be: Irrigation within Caribou County; T07S R46E S32 SESE; T08S R46E  
S05 Lot 2 NWNE; T08S R46E S05 Lot 1 NENE; T08S R46E S05 Lot 5 SWNE  
  
Stockwater within Caribou County; T07S R46E S32 SESE  
  
Recreation within Caribou County; T07S R46E S32 SESE
10. ☐ **I object because:**  
☐ This water right Should not exist.  
  
☒ This water right was not recommended, but Should be recommended with the  
elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Claimant has provided ample proof of the above  
claim based upon Accomplished Transfer.

F.

VERIFICATION (must be completed)

STATE OF IDAHO,           )  
                                          ss  
County of Madison.       )

Jerry R. Rigby, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

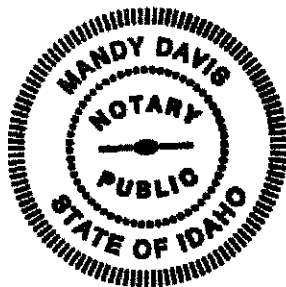
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

*[Handwritten Signature]*

(Attorney signing in representative capacity)

Subscribed and sworn before me on: January 16, 2007



*[Handwritten Signature]*

Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

**G.**

## CERTIFICATE OF MAILING

I certify that on January 16, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

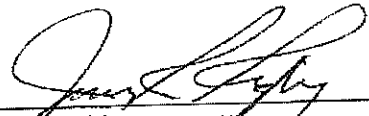
2. One copy to the claimant of the water right at the following address:

Name: RVG Trust C/o Norm Sorensen  
Address: 5314 N 250 W Ste. 210  
Provo, Utah 84604

3. Copies to:  
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Nat'l Resources Div  
550 W. Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise, ID 83711-4449

  
\_\_\_\_\_  
Signator of objector or attorney  
mailing on Objector's behalf



Suite 210

5314 North 250 West

Provo, Utah 84604

Post Office Box 1848

Provo, Utah 84603

Telephone 801.228.9702

Fax 801.437.2965

RE: Fish pond installation at Tygee Ranch

To Whom It May Concern:

I witness that to my knowledge the fish ponds located on Tygee Ranch owned by Rodger and Virginia Galland, were installed in 1981. I came to work for them in Nov. of 1983 and they were present at that time.

Print your name JULIE AGARD 12.18.06 Date

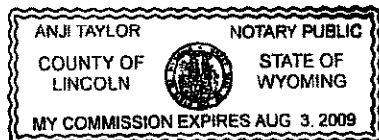
Signed Julie D. Agard

Position at the time RANCH MANAGERS

Print your name LYLE RICK AGARD 12.18.06 Date

Signed Lyle Rick Agard

Notorized Anji Taylor State of Wyoming  
County of Lincoln



Expires Aug 3, 2009

**Bird, Cindy**

**From:** Jerry Rigby [jrigby@rigby-thatcher.com]  
**Sent:** Tuesday, December 12, 2006 9:59 AM  
**To:** Bird, Cindy  
**Subject:** RVG Trust 24-2026

Cindy,

I understand that my client, Norman Sorensen (on behalf of RVG Trust) faxed to you a copy of the Private Fish Pond Permit no 52-10 from Idaho Fish and Game dated, January 1, 1982 and signed by Fish & Game on 12-8-81. It clearly evidences that that two ponds existed prior to 87. I know that you are swamped with reporting rights. However, when you get a moment please let me know if the evidence is sufficient to now change the recommendation, or if not, what it would take.

Thanks

Jerry R. Rigby  
 Rigby, Thatcher, Andrus,  
 Rigby & Moeller, Chtd.  
 P.O. Box 250  
 Rexburg, ID 83440  
 208-356-3633

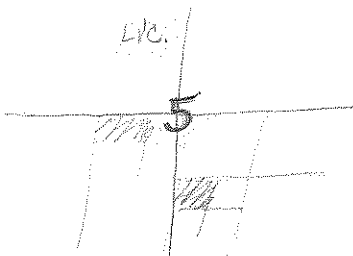
--  
 No virus found in this outgoing message.  
 Checked by AVG Free Edition.  
 Version: 7.5.432 / Virus Database: 268.15.16/582 - Release Date: 12/11/2006 4:32 PM

Change: in POD, purpose, Season, Pol.

Loc. POD: NENW Sec. 5 T8S, R46E

Claimed POD: NW3WSE Sec. 5, T8S, R46E

Field Exam. NW NE 3W Sec. 5, T8S R46E.



12/12/2006

15 West Center Street  
Soda Springs, Idaho 83276  
(208) 547-3993  
(208) 547-3939 fax

Idaho Department of  
Water Resources

# Fax

To: Ray Williams From: Cindy Bird  
Fax: 1-208-287-6700 Pages: 2  
Phone: 1-208-287-4815 Date: 12-18-06  
Re: 24-2026 CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Ray,

**FAXED**  
12/18/06 GB

I received this from Norm Sorenson on 24-2026 as evidence of change for 2 ponds prior to 1987. I don't think it is evidence for 2 ponds, probably one-pond, it states "one acre pond", which I would take as a single pond, NOT ponds. Could you run it by Nick? Also, it doesn't answer the question of the POD change. Thanks,

Cindy

P.S. Have they objected yet?

IDaho  
DEPARTMENT OF FISH AND GAME

No. 52-10

January 1

19 82

## PRIVATE FISH POND PERMIT

As provided for in Chapter 7, Title 36, Idaho Code, a Private Fish Pond Permit is hereby issued to:

NAME OF PERMITTEE: Rodger D. Galland

(Individual or Organization)

ADDRESS: 363 North University Ave. Provo, Utah 84601

To establish and/or maintain a private fish pond(s) on property:

☒ Owned by operator,☐ Leased from Margaret R. Galland

Name

363 North University Ave, Provo, Utah 84601

Address

☒ Utilized under cooperative agreement with

Margaret R. Galland

Landowner

363 North University Ave, Provo, Utah 84601

Address

Water Source: Webster Creek On Tygee Valley Ranch  
(Spring, stream diversion, well, etc.) (Watershed where located)Discharge Flow: Into  
(CFS) (Stream or Lake)

County Caribou Township 7 Range 46 Sec. 32 Qtr. Sec. SE

Description of fish pond(s) and location as to direction and distance from definite landmark: One acre pond, Northwest section of property. Adjacent to Auburn Fish Hatchery.

Species of Fish: Cutthroat

Source of Fish: Auburn Fish Hatchery

I, the undersigned applicant, understand and accept the provisions of the Idaho Code contained on this application.

IDAHO DEPARTMENT OF FISH AND GAME



Signature of Applicant

By R.J. Salom RCO  
Date 12/8/81

Title and Organization

12-3-81

Date



Approved By

THIS PERMIT EXPIRES ON DECEMBER 31, 1982

## Notes

11/7/06 2:56pm Norm Sorenson. How are we doing on this right and the domestic for the caretakers home? What is the w/R # for the caretakers house?

Norm will get a hold of Jerry Righy to see how it's going.

11/8/06 Norm Sorenson faxed a copy of F&G permit for private Pond. as evidence of change in nature of use.

## Notes

6/24/06 Certified letter to claimant on illegal diversion from Terrace Springs. cc: Roger Warner, Tim Luke, Darren Olson and Nick Spencer

10-27-06 Sent letter in regard to Ownership Change for 24-10456 decreed Right. SC

7/7/06 4:11pm. Norm Sorenson. RV6 Trust. Manage the property, Jerry Regby - attorney for RV6 Trust.

live given them until July 14<sup>th</sup> 5pm to respond.  
- 24-10456 isn't the correct source.

7/10/06 Rec'd Signature Card.

7/20/06 Rec'd. ownership change form on 24-10456 and \$25. receipted check and sent ownership change form to I.F.

8/3/06 Published **24-10449** domestic right. CB

8/15/06 Claim disallowed. A

8/16/06 Sent claimant & Nick Spencer letter. CB

10/13/06. 2:03pm. Jerry Regby, attorney 356-3633. Called and left a message advising what it needed to resolve this right.

4:26pm I faxed a copy of my letter dated 8-15-06. CB

## Notes

5/30/06 I also spoke with Darren Olson, Forest Service, to see if they are aware that Wyo. F. & G. provides domestic water to RVG Trust. Darren will check into it.

5/30/06 I spoke with Steve Spencer, Forest Service, adjudication team (Boise) about this right and several others that need field exams. It looks like we are targeting June 12<sup>th</sup> & 13 for this. CB

5/30/06 Sent Rick Spencer, Dept. attorney Gen. EDWR. an email to see if RVG Trust can come under the Wyo F & G special use permit, and water right or do they need to file a ~~sp~~ separate claim.

6/6/06 Rec'd letter from Rob Wood, asst to Jerry Rysby. With deeds missing from timeline.

6/6/06 Map of ponds on forest service ground. CB

6/12/06 Meeting with Darren Olson, Carbon Ranger District, Steve Spencer, Forest Service, Boise Adj. at Soda Ranger office.

6/13/06. field exam with Darren & Steve to determine diversions on F.S. ground. CB

Notes

Jerry Rugby

Hill, Johnson & Schmutz

3-18-06 Rob Wood, Jerry Rugby attorney office, called to ask about the spring for the house and what they need to do.

4-6-06 letter  
5-23-06

letter to Claimants from Nick Spencer

assistant to Jerry Rugby

5/30/06. Rob Wood, Hill, Johnson & Schmutz called again. I asked him if the RVG TRUST has a special USE permit with the Forest Service for the home out of Terrace Springs? He said No, the water from the Springs is provided by the Wyo. Fish & Game, under 24-2035. I told him that 24-2035 was licensed for fish propagation, and asked him when the house was hooked to the spring? He said the caretaker didn't know when that agreement was made.

I also asked Rob about 24-10456 (falls creek). If this is correct because a partial decree was issued and as I recall from the caretaker, it's wrong. I told Rob it is incorrect and need to actually be Terrace Springs then the partial decree needs to be set aside to fix the source, POP, PO4.

I also asked Rob when we will get the additional information requested by Nick Spencer in his April 6, 2006 letter. He's going to call the caretaker today to get the additional information.

## Notes

1-30-06 Letter to Court on ownership change, BP

1-30-06 Norm Sorenson, takes care of the properties for Roger Galland. Josh actually lives on the property to take care of things. Roger is serving on a mission. CS

2-6-06 Norman Sorenson called on <sup>Pauline's</sup> my letter on the POD.

3-3-06 Court called. Letter <sup>1-30</sup> was channeled thru the atty. Will answer by 3-9. BP

3-8-06 Received ownership change form BP

3-8-06 Called atty re missing evidence. BP

3-13-06 Received evidence from atty BP

3-28-06 listed issues, sent to Nick Spencer along with Barbara's timeline. CS

add 1957 imagery of the area in question.  
proof Report 24-10456

Receipt details

3-31-06 Nick Spencer, basin 24 attorney. We aren't going to pursue correcting the partial decree 24-10456. Claimant hasn't raise issue.

Nick will send the Utah attorney a letter requesting clear documents and information that would document the change in Nature of use was done under an accomplished transfer and doesn't cause injury to anyone else.

## Notes

10-20-04 Assessor's Office:

RIG Trust

% Richard L. Hill, Trustee

3319 N University Ave, Suite 200

Prora, UT 84604

BP

License Section 4 Q Q does not match claim.

6-29-05 Project started 24-2026.apr, BP

9 Sept 05 Msg on phone fr. Norm Sorenson 801 310 6808

In response to post card.

801 310 6808 -

Sent claim to RIG trust for domestic fr Spring.

4 Oct 2004 See A24-02035, A24-04044, A24-10000 (Bac)

1-12-06 According to the Assessor's office the new house was built in 2004, their records only go back as far as 1930, which shows an establishment then. PB

1-12-06 Sent claimant a letter regarding the source. PB

1-30-06 Norm Sorenson 1-801-310-6808 called in regards to my letter regarding the domestic from Terrace Springs that Bryce found. He is going to have Josh. Frasier - care taker, lives on the estate, call me.

I found 24-10456, Fall Ark, domestic decree. 85.46E Sec. 5 L-3 POD, PO4 (L-2).



Kingsley Management Corporation

5314 North 250 West, Suite 210

P.O. Box 1848

Provo, UT

Telephone: 801-228-9702

Fax Number: 801-705-0856

Facsimile Transmittal

Suite 210

TO: Cindy BirdDATE & TIME: 11-8-06FAX NUMBER: 208 - 547-3939FROM: Norman Sorensen - Tyger RanchThis cover plus: 1 pages

Comments:

For water Right # 24-2026  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_☐ FYI  
☐ Please review and comment  
☐ Please review and fax back☐ Please review  
☐ Please call me  
☐ Per your request

The information above is personal and confidential between the persons or parties listed above and should not be used for any other purpose.

*"Striving for Service, Quality, and Value in Manufactured Housing Communities"*

5314 North 250 West

Provo, Utah 84604

Post Office Box 1848

Provo, Utah 84603

Telephone 801.228.9702

Fax 801.705.0856

www.kingsley.com

15 West Center Street  
Soda Springs, Idaho 83276  
(208) 547-3993  
(208) 547-3939 fax

## Idaho Department of Water Resources

# Fax

To: Jerry Rigby From: Cindy Bird  
Fax: 356-0768 Pages: 2  
Phone: 356-3633 Date: 10/13/06  
Re: 24-2026 CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Hi Jerry,  
I think this will help with your  
question on the issues.

Thanks,

Cindy

**FAXED**  
4:26 pm

10/13/06 2:55 sent.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

August 15, 2006

RVG TRUST  
5314 NORTH 250 WEST  
SUITE 210  
PROVO, UT 84604

REF: SNAKE RIVER BASIN ADJUDICATION  
CLAIM A24-2026

Subject: Preliminary Recommendation

Dear Mr. Galland:

The above referenced claim has been disallowed in the preliminary SRBA process. We will consider during the Notice of Error process any evidence you might have demonstrating a change in the nature of use, point of diversion or place of use that occurred prior to 1987. We will need evidence of what changes were made and that they have been used continuously since the time of the change. We will also need evidence that the change has not injured any other water users. If you have any questions please don't hesitate to give me a call at 547-3993 or you can reach Nick Spencer at 287-4813.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

Enclosure(s):

CC: Nicholas B. Spencer  
Deputy Attorney General, IDWR

possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in that certain Deed of Trust.

The default for which this sale is to be made is: Failure to pay the monthly payment due 4/01/06 of principal, interest and impounds and subsequent installments due thereafter; plus late charges, with interest currently accruing at 9.250% per annum; together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said Deed of Trust, and any supplemental modifications thereto. The principle balance owing as of this date on said obligation is \$53,876.39, plus interest, costs and expenses actually incurred in enforcing the obligations thereunder and in this sale, together with any unpaid and/or accruing real property taxes, and/or assessments, attorney's fees, Trustee's fees and costs, and any other amount advanced to protect said security, as authorized in the promissory note secured by the aforementioned Deed of Trust.

Therefore, the Beneficiary elects to sell, or cause said trust property to be sold, to satisfy said obligation.

**NOTICE IS HERBY GIVEN THAT THIS FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE, AND THAT THE DEBT MAY BE DISPUTED. THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506(4)(a) IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.**

DATED: 07/24/2006

(s) Bev Petersen  
Senior Trust Officer  
Stewart Title of Boise, Inc.  
9196 West Emerald  
Suite 100  
Boise, ID 83704  
(208) 281-8219

Published Aug. 3, 10, 17, and 24  
in the Caribou County Sun.

#### **PUBLIC NOTICE**

contact Soda Springs City Hall prior to the meeting by calling 547-2600.

Published Aug. 3 and 10, 2006  
in the Caribou County Sun.

#### **PUBLIC NOTICE**

##### **First Time Published**

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

**24-10749**

RVG TRUST  
C/O NORM SORESENSEN  
5314 NORTH 250 WEST  
SUITE 210

PROVO, UT 84604

Point(s) of Diversion: SESESW  
S32 T07S R46E, CARIBOU  
County

Source: TERRACE SPRINGS,  
Tributary to WEBSTER CREEK

Use: DOMESTIC 01/01 to  
12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 07/13/2006

Place of Use: DOMESTIC  
T07S R46ES32 SESW

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

Any protest against the approval of this application must be filed with the Director, Department of Water Resource, Eastern Region, 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 for each application on or before August 21, 2006.

The protestant must also send a copy of the protest to the applicant.

(s) Karl J. Dreher, Director

Published on August 3 and 10,  
2006 in the Caribou County Sun.

#### **PUBLIC NOTICE**

##### **NOTICE OF PUBLIC HEARING FOR FEE INCREASE**

The City of Grace, Idaho, hereby gives notice to its residents and users of its municipal utility systems that the City intends to increase fees for water usage by 105 percent or more of the amount

unless the award is delayed for a period of 30 days.

(s) Clark J. Bitt  
Grace Joint Sch  
No. 148

P.O. Box 347

710 South Main

Grace, Idaho 83426

Published July 24  
2006 in the Caribou

#### **PUBLIC NOTICE**

##### **NOTICE TO CREDITORS**

(I.C. 15-3-1)

Case No. CV

IN THE DISTRICT OF THE SIXTH JUDICIAL DISTRICT OF THE IDAHO, IN AND FOR THE COUNTY OF CARIBOU, IN THE MATTER OF THE ESTATE OF ALVIN

NOTICE IS HEREBY GIVEN that the undersigned, appointed personal representative of the above-named persons having claimed as decedent or the estate to present their claims within the time specified in the publication of the notice. Creditors, or within the undersigned named a copy of this notice to the persons, whichever claims will be presented. Claims must be presented to the undersigned at the time specified in the notice, and filed with the Court.

Dated this ninth day of July, 2006

(s) A. Bruce L.  
Estate of Alvin  
Joan Evelyn F.  
606 Highway  
Grace, ID 83426  
(208) 425-3333

Published July  
10, 2006 in the  
Sun.

When the most  
are occurring, we  
nize them or no  
busy living our li

8-3-06



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

July 20, 2006

Norm Sorenson  
Kingley Management Fiduciary Account  
5314 N. River Run Dr. Ste 210  
PO Box 1848  
Provo, UT 84603

REF: 24-10456

Subject: Ownership Change

Dear Norm,

I've enclosed your receipt for the ownership change received in my office. I have forwarded the forms to our Idaho Falls office for processing. They may be contacting you for further information.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

Enclosure(s): Receipt ID B000017

COPY



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
15 West Center Street, Soda Springs ID 83276  
Phone: (208) 547-3993 FAX: (208) 547-3939 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

June 27, 2006

Mr. Rodger Galland RVG Trust  
5314 North 250 West Suite 210  
Provo UT 84604

COPY

Re: Water Right Decree 24-10456

Subject: CHANGE IN OWNERSHIP

**RESPONSE DATE: 14 July 2006**

Dear Mr. Galland:

We have been advised you are one of the current owners of the property and decree listed above. Before the record can be modified to reflect your ownership change, we need form 42-248/42-1409(6) Notice of Change in Water Right Ownership, completed and returned to:

IDWR  
900 N SKYLINE DR SUITE A  
IDAHO FALLS ID 83402-1718

We will also need a copy of the warranty deed showing legal description and ownership to the trust for the above noted decreed water right. Please fill out the highlighted areas on the notice of change form and submit with the necessary documents by the above referenced response date. There is a \$25.00 fee for the change.

If you have any questions please feel free to contact me at (208) 547-3993 in Soda Springs.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

CEB/shc  
Enclosures: Form 42-248/42-1409(6) and Instructions  
Water Right Report 24-10456



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

June 26, 2006

ROGER GALLAND  
RVG TRUST  
5314 N 250 W  
SUITE 210  
PROVO, UT 84604

CC:Y

CERTIFIED MAIL

REF: DOMESTIC DIVERSION

SUBJECT: Pending Notice of Violation  
Potential Unauthorized Use of Water

RESPONSE DATE: JULY 10, 2006

Dear Mr. Galland,

The Idaho Department of Water Resources (Department) has recently become aware of your water development from Terrace Springs that has no valid water right. You signed an agreement with Wyoming Game & Fish to connect your caretaker's home to Terrace Springs in 1979. The development of a spring even for a domestic requires a water right under §42-202. Since this development was after the May 20th 1971 mandatory permit statute it requires you file an application for permit (Form 202) or a transfer to 24-10756.

Based on the research from Department staff no record of a valid water right was found to allow you to divert water from Terrace Springs. The diversion point is located on US Forest Service ground. The Department has found that the Forest Service has not granted a special use permit for your domestic diversion. Therefore, your ability to continue using the water is at risk.

The Department is aware of water right 24-10456 from Falls Creek for domestic. It however, does not allow a diversion from Terrace Springs. You may need to contact Roger Warner and file a transfer to change the source and point of diversion under the water right if the decree has changed.

**Please note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code, and that pursuant to §42-1701B, Idaho Code, civil penalties for illegal non-irrigation uses may be \$50 per one-tenth cubic foot per second of water diverted per calendar day, or \$50 per two-tenths of an acre-foot of water diverted to storage, up to \$50,000 per year for water illegally used or diverted.**

Your application must be received in our office or the Idaho Falls office by the above response date or you will be issued a Notice of Violation. If you have questions regarding this matter please contact me directly at (208) 547-3993. You may also contact Roger Warner, Water Rights Supervisor, Idaho Falls regional office (525-7161), or Tim Luke, Water Distribution Section Manager, Boise, Idaho (208) 287-4959. He will be away from the office between June 28<sup>th</sup> and July 11<sup>th</sup>, so it may be best to contact either Mr. Warner or myself.

Sincerely,

Cindy E. Bird  
Adjudication Bureau

Enclosure(s): Forms 202 and I-202

CC: Tim Luke, Water Distribution Section  
Roger Warner, IDWR Eastern Region  
Darren G. Olsen, Soda Ranger District

COPY

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 24-10001 V1

WATER RIGHT NUMBER: 24-10001 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                               |
|-------------------|-------------------------------------------------------------------------------------------------------|
| Current Owner     | STATE OF WYOMING<br>GAME & FISH DEPARTMENT<br>5400 BISHOP BLVD<br>CHEYENNE, WY 82006<br>(307)777-7730 |

Priority Date: 07/01/1972

Basis:

Status: Disallowed

| <u>Source</u>   | <u>Tributary</u> |
|-----------------|------------------|
| TERRACE SPRINGS | WEBSTER CREEK    |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| DOMESTIC              | 1/01 to 12/31           | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.020 CFS             |                      |

Location of Point(s) of Diversion

|                 |            |                                 |
|-----------------|------------|---------------------------------|
| TERRACE SPRINGS | SE1/4SW1/4 | Sec. 32, Twp 07S, Rge 46E, B.M. |
| CARIBOU County  |            |                                 |

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 |        |
| 07S | 46E | 32  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

Conditions of Approval:

1. FOREST SERVICE SPECIAL USE PERMIT 1010-01
2. P11 NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.
3. NO LAWFUL APPROPRIATION SHOWN.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 24-10001 V1

Comments:

1. CORR2 4/9/1997 COPIED FROM REMARKS

Comment: A TAP WAS INSTALLED IN THE SUPPLY PIPELINE FROM TERRACE SPRINGS TO THE WYOMING GAME & FISH HATCHERY UNDER CLAIM 24-4044 WHICH ALLOWED FOR ONE RESIDENCE LOCATED ON THE TYGEE RANCH. THIS HATCHERY IS OPERATED UNDER A FOREST SERVICE LEASE AGREEMENT. ONE DOMESTIC TAP FOR A RESIDENCE ONLY ON TYGEE RANCH WAS AGREED TO IN 1979 BY WYOMING GAME & FISH DEPARTMENT.

2. ECARLSEN 4/16/1998 DISALLOWAL

Comment: DOMESTIC USE FROM SURFACE SOURCE AFTER MAY 20, 1971 REQUIRES PERMIT.

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 24-10456

WATER RIGHT NUMBER: 24-10456

| <u>Owner Type</u> | <u>Name and Address</u>                                             |
|-------------------|---------------------------------------------------------------------|
| Current Owner     | RODGER D GALLAND<br>PO BOX 1848<br>PROVO, UT 84608<br>(801)375-9675 |

Priority Date: 05/26/1928

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| FALLS CREEK   | WEBSTER CREEK    |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC                | 1/01 to 12/31         | 0.040 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.040 CFS             |                      |

Location of Point(s) of Diversion

|                |                      |         |          |               |
|----------------|----------------------|---------|----------|---------------|
| FALLS CREEK    | L3 (NE1/4NE1/4NW1/4) | Sec. 5, | Twp 08S, | Rge 46E, B.M. |
| CARIBOU County |                      |         |          |               |

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 |        |
| 08S | 46E | 5   |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. PARCEL NO. 000000017800
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 24-10456

Comments:

1. CFRITSCH 12/10/1996 RENUMBERED  
Comment: THIS RECORD WAS RENUMBERED FROM A24-10200. COPIED FROM REMARKS HEADWORKS ON THE FALLS CREEK OF THE WYOMING DEPT. OF FISH AND GAME AUBURN FISH HATCHERY. PIPELINE INTAKE TO PIPELINE TO FISH HATCHERY. WE HAVE A PIPE HOOKED INTO THIS PIPELINE BY AGREEMENT. THE WATER FROM PIPELINE TO OUR HOME. PREVIOUS OWNERS (PRIOR TO FISH HATCHERY) HAD AN IRRIGATION RIGHT, 24-02032 FROM THIS SOURCE. THIS RIGHT IS NO LONGER USED. HATCHERY WAS BUILT IN 1941.

Water Supply Bank:

*Law Offices*

***RIGBY, THATCHER, ANDRUS  
RIGBY, & MOELLER, Chartered***

*Ray W. Rigby  
Gordon S. Thatcher  
G. Rich Andrus  
Jerry R. Rigby  
Michael S. Kam (1954-2001)  
Gregory W. Moeller  
Reed E. Andrus*

*P.O. Box 250  
25 North Second East  
Rexburg, ID 83440*

*Telephone: (208) 356-3633  
Fax: (208) 356-0768  
E-Mail: jrigby@rigby-thatcher.com*

Idaho Department of Water Resources  
Attn: Cindy Bird  
15 West Center Street  
Soda Springs, ID 83276

Dear Cindy,

Enclosed please find the deeds that were unreadable in the RVG/Roger Galland file pertaining to IDWR water right no. 24-2026.

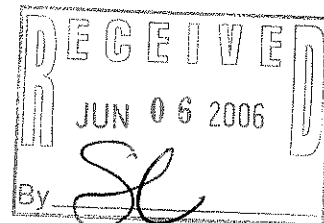
As per our conversation the other day on the telephone, I am under the impression that these deeds were all that were needed for 24-2026 to be recommended. Please let me know if we need to do anything else for this right.

Thank you so much for your time and help.

Sincerely,



Rob Wood  
Assistant to Jerry Rigby



**Timeline 24-2026**

- 7/8/1916 Claimed Priority Date  
POU: T7S, R46E, Sec. 32, SESE  
T8S, R46E, Sec. 5, NENE (GL-1), NWNE (GL-2),  
SWNE (GL-5)
- 11/21/1916 Deed, Alvin J. and Ida Welchman to Soren Peterson  
T7S, R46E, Sec. 33, SWSW  
Metes and bounds, 62 acres  
DOES NOT SUPPORT THE CLAIMED POU IN SECTIONS 5 OR 32.
- 5/27/1927 Sheriff's Deed (Defendants: Alvin & Ida Welchman, et al) to Union  
Central Life Insurance.  
T7S, R46E, Sec. 33, NE, 160 acres.  
Full primary water right for 200 acres from Spring Creek and  
Webster Creek.  
DOES NOT SUPPORT THE CLAIMED POU IN SECTIONS 5 OR 32.
- 2/27/1931 Patent, USA to Joseph Lee Peterson  
T8S, R46E, Sec. 5, NWSE, L-4, 5, and 6, 146.55 acres  
Subject to any vested and accrued water rights for mining,  
agricultural, manufacturing, or other purposes  
Patent #118368
- 11/3/1933 Deed, Union Central Life Insurance to Lee Peterson  
T7S, R46E, Sec. 33, 47 plus acres  
T7S, R46E, Sec. 32, SESE, Except a rectangle strip on the east  
edge.  
T8S, R46E, Sec. 5, N1/2NE. EXCEPTING a rectangle strip on the  
east. Total of both rectangle shapes is 22.0 acres MOL.  
Instrument #14106
- 6-17-43  
6/1/1936 *Warranty Deed, UNREADABLE Petersen, Alice Mae*  
*SESE 32/75/46E Petersen, Joseph Lee*  
Instrument #21016
- Book 10 7/6/1944 Warranty Deed, Joseph Lee and May Peterson to G. W.  
Hepworth Jr.  
T7S, R46E, Sec. 33, SWNW  
T7S, R46E, Sec. 33, metes and bounds, 47+ acres  
T7S, R46E, Sec. 32, SESE  
T8S, R46E, Sec. 5, N1/2NE  
T8S, R46E, Sec. 5, Lots 4,5,6, NWSE, 146.55 acres  
**See correction deed dated 12/20/1944**  
Instrument #21809

12/20/1944 Warranty Deed, Joseph Lee & Frances Peterson to G. W. Hepworth, Jr. AKA G.W. Hepworth  
T7S, R46E, Sec. 33, S1/2NW, N1/2SW, metes and bounds tract out of these QQs  
T7S, R46E, Sec. 32, SESE,  
T8S, R46E, Sec. 5, Lots 1, 2, 4, 5 (which is in the NE)  
T8S, R46E, Sec. 5, Lot 6, NWSE (which is the N1/2SE)  
**Issued to correct Deed dated 7/6/1944**

3/17/1953 Quitclaim Deed, Clyde Greenfield to Charles & Katherine O'Keefe  
T7S, R46E, Sec. 32, SESE  
T8S, R46E, Sec. 5, Lots 1, 2, 4 and 5 (which is in the NE)  
T8S, R46E, Sec. 5, Lot 6, (which is in the NWSE)  
Water rights, rights of way for ditches

?/?/1946 Warranty Deed, G. W. Hepworth to Charles O'Keefe  
*Inst # 23179 Book 11*  
T7S, R46E, Sec. 33, S1/2NW, N1/2SW  
**VERY POOR COPY, LIGHT. UNABLE TO READ WHOLE DOCUMENT**

8/5/1959 *Greenfield, Clyde E. to O'Keefe, Charles*  
*Inst # 43128 Book 42*  
Decree, Estate of ??? **TOO DARK TO READ** # 43128  
*SE SE 32/7S/46E*

3/5/1968 Warranty Deed, Charles & Katherine O'Keefe to Matthew Alleman  
Sites part of land situated in Wyoming  
T7S, R46E, Sec. 32, SESE  
T8S, R46E, Sec. 5, N1/2NE, Lots 4, 5 and 6 and the NWSE  
Recorded #71430

3/5/1968 Warranty Deed, Matthew Alleman, Trustee to Charles & Katherine O'Keefe  
Sites part of land situated in Wyoming  
T7S, R46E, Sec. 32, SESE  
T8S, R46E, Sec. 5, N1/2NE, Lots 4, 5 and 6 and the NWSE  
Recorded #71431

3/5/1968 Warranty Deed, Charles & Katherine O'Keefe to Wendell T. O'Keefe  
Sites part of land situated in Wyoming.  
T7S, R46E, Sec. 32, SESE  
T8S, R46E, Sec. 5, N1/2NE, Lots 4, 5 and 6 and the NWSE  
Recorded #71432

7/8/1974 Warranty Deed, Katherine O'Keefe to Wendell T. O'Keefe  
T7S, R46E, Sec. 32, SESE  
T8S, R46E, Sec. 5, N1/2NE, Lots 4, 5 and 6 and the NWSE  
Recorded #90267

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered.

Jerry Williams (Seal)  
Mildred Williams (Seal)

STATE OF IDAHO :  
County of Canyon : ss

On this 11th, day of May in the year 1943, before me, THE UNDERSIGNED a Notary Public in and for said County and State, personally appeared Jerry Williams and Mildred Williams, his wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Burton W. Reeves Notary Public  
Residence Nampa, Idaho  
My Commission Expires; Sept. 5, 1944.

At the request of Caribou Co. Abstract Co.  
June 18, 1943 At 4:55 P. M.  
Fee \$1.20

*Colin Chute*  
Recorder

Instrument #21216

#### WARRANTY DEED

THIS INDENTURE, Made this 1st day of June in the year of our Lord One Thousand Nine Hundred and Thirty six, between Soren C. Peterson and Alice H. Peterson, his wife of Auburn, County of Caribou, State of Idaho the parties of the first part, and Joseph Lee Peterson of Auburn, County of Caribou, State of Idaho the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Three Hundred & No/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged; does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs, and assigns forever; All those certain lots, pieces or parcels of land situate, lying and being in the County of Caribou State of Idaho, bounded and more particularly described as follows, to-wit:

Commencing at a point the Northwest Corner of the Southwest Quarter of the Southwest Quarter of Section Thirty-three (33), Township Seven (7) South of Range Forty-six (46) East of the Boise Meridian, Idaho, and running thence West Twenty-three and one half (23½) Rods; Thence South One Hundred Fifty (150) Rods; Thence East Twenty-three and one half (23½) Rods; Thence North One Hundred Fifty (150) Rods to the place of beginning, containing in all twenty-two acres of land be there more or less.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

6-1-1936  
\$300.00  
75 46E 33  
NWSW SW  
22 acres

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs, and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs, and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, he fully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of  
Geo. P. Hick

Soren C. Peterson (Seal)  
Alice Mae Peterson (Seal)

STATE OF IDAHO  
County of Bear Lake

On this 1st day of June in the year 1936 before me, Darel Bartschi a Notary Public in and for said County and State, personally appeared Soren C. Peterson & his wife Alice M. Peterson known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Darel Bartschi Notary Public  
Residence Montpelier, Idaho.  
Notary Public My Commission expires  
Feb. 28, 1938

Colin B. Bartschi  
Recorder

At the request of Joseph Lee Peterson  
June 17, 1943 At 2:50 P. M. Fee \$1.20

----- ooo o ooo -----

Instrument #21018

WARRANTY DEED

THIS INDENTURE, Made this 29th day of April in the year of our Lord One Thousand and Nine Hundred and forty-three, between Charles F. Call and Edith C. Call, his wife of Soda Springs, County of Caribou, State of Idaho the parties of the first part, and William H. Lloyd of Soda Springs, County of Caribou State of Idaho the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Six hundred and No/100ths DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs, executors, administrators and assigns forever: All that certain lot piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit: The East half of the Northeast quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section Thirteen (13), Township Nine (9) South of Range Forty-two (42) East of the Boise Meridian, together with all improvements and all water rights appertaining or belonging thereto.

Subject to patent reservations and all rights of way as now of record, or acquired by public use.

Subject to taxes for the year 1943 and subsequent years.

Free and clear of any and all encumbrances.

\$1.10 I. R. Stamps affixed and cancelled.

Instrument #23179

WARRANTY DEED

THIS INSTRUMENT, Made this 10th day of August in the year of our Lord One Thousand Nine Hundred and Forty-six, between G. W. Hepworth Jr., sometimes known as G. W. Hepworth, and his wife Phyllis S. Hepworth of Afton, County of Lincoln, State of Wyoming the parties of the first part, and Charles O'Keefe, Wendell T. O'Keefe and Clyde B. Greenfield, Equal and undivided interest, of Afton, County of Lincoln, State of Wyoming the parties of the second part:

WITNESSETH: That the said part\_ of the first part, for and in consideration of the sum of ~~ten and no/100~~ Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

A tract of land situated in the South Half of the Northwest Quarter and in the North Half of the Southwest Quarter of Section Thirty-three, Township Seven South, Range Forty-Six East of the Boise Meridian, described as follows, to-wit: Commencing at a point 107 rods South of the Northwest Corner of the Southwest Quarter of the Northwest quarter of said Section Thirty three thence running Northeasterly along the County road and the foot hills to a point 11 rods South of the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section Thirty-three, thence North 11 rods to the said Northeast Corner of the said Southeast Quarter of the Northwest Quarter of said Section Thirty-three, thence 160 rods west, thence South 107 rods to the place of beginning. ALSO the Southeast Quarter of the Southeast Quarter of Section thirty-two, Township Seven South, Range Forty six East of the Boise Meridian. ALSO, Lots One, Two, Four and Five (which is the Northeast quarter), and Lot Six and the Northwest quarter of the Southeast Quarter (which is the North half of the Southeast quarter) of Section Five, Township Eight South, Range Forty- six East of the Boise Meridian. Subject to the rights of way for ditches and roads as the same may now exist over and across said property.

Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges therunto incident unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of W. J. Moser

G. W. Hepworth Jr. (Seal)  
Phyllis S. Hepworth (Seal)

(No Stamps)

STATE OF WYOMING )  
                              ) SS  
County of Lincoln )

On this 10th day of August in the year 1946, before me, W. J. Moser, a Notary Public in and for said County and State, personally appeared G. W. Hepworth Jr. and his wife Phyllis S. Hepworth known to me to be the persons whose name\_ are subscribed to the within instrument, and acknowledged to me that they executed the same. Including release and waiver of the right of Homestead, the said wife having been by me fully appraised of

IN THE PROBATE COURT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF CARIBOU

|                                        |   |             |
|----------------------------------------|---|-------------|
| IN THE MATTER OF THE ESTATE            | ) |             |
| OF                                     | ) |             |
| CLYDE EUGENE GREENFIELD, also known as | ) | D E C R E E |
| CLYDE E. GREENFIELD, also known as     | ) |             |
| C. E. Greenfield,                      | ) |             |
| Deceased.                              | ) |             |

The above-entitled matter came duly on for hearing before the undersigned Probate Judge in open Court on the 22nd day of May, at 2:00 o'clock P. M., and on the 5 day of Aug., 1956.

The petitioner appeared in person and by his attorney, Francis A. Rehnissen.

It appearing that the said proceedings were had pursuant to the provisions of Chapter 14, Title 15, Idaho Code and that the petition was duly filed herein and that due and legal notice of this hearing on the said petition has been given for the time and in the manner provided by law.

And it further appearing that an inventory of the property affected by this proceeding has been duly filed and said property has been duly appraised and that an Inheritance Tax Order fixing value of Inheritance, Etc. and Tax and Inheritance Tax Order Fixing Gross Value have been made; that all of the property herein was separate property and that a certified copy of said orders have been duly filed with the Department of Finance of the State of Idaho, and that more than 30 days have elapsed since the filing of said inventory herein and that a copy of the same has been served upon the State of Idaho as aforesaid.

That no objection has been made by any person to the value of the property as fixed by the inventory nor to the value of the inheritance fixed in said order.

And it further appearing that more than two years have elapsed since the said death of said Clyde Eugene Greenfield, also known as Clyde E. Greenfield, also known as C. E. Greenfield and that he died at the time of his

18.

2

death reside in the State of Wyoming and that he owned real estate in the State of Idaho and that no application has been made in the State of Idaho or elsewhere for the appointment of an administrator either by his heirs, or by persons claiming to be creditors of the deceased and that no proceedings have been had for the probating of the estate of said deceased and that he left no will.

And it further appearing that Charles O'Keefe is the son of the said Clyde Eugene Greenfield, also known as Clyde E. Greenfield, also known as C. E. Greenfield, deceased.

That the property described in the petition and herein was separate property and that Charles O'Keefe derived title to the said property upon the death of said deceased and that Matthew Allen made due application and petition to this Court for the purpose of establishing title for said property for Charles O'Keefe and that the said deceased at the time of his death was a resident of the State of Wyoming and that due proceedings have been had under the provisions of the law hereinbefore referred to.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that due proceedings have been had and notice given as provided in Chapter 14, Title 15, Idaho Code, and IT IS HEREBY DETERMINED AND DECREED that the said Clyde Eugene Greenfield, also known as Clyde E. Greenfield, also known as C. E. Greenfield, deceased, died on the 12th day of February, 1934; that he died intestate, owning property in this state and that no application has been made in the State of Idaho or elsewhere for the appointment of an administrator of the estate of said deceased; that the said deceased was survived by his son, Charles O'Keefe, who was the only heir of said deceased; that the said property was community property and upon the death of said deceased all of the right, title and interest in and to said property passed and became the separate property of Charles O'Keefe.

IT IS FURTHER DECREED THAT the property affected by this Decree is so decreed to the said Charles O'Keefe as his sole and separate property is located in Caribou County, State of Idaho, and is more fully described as

2 B

follows:

1/3rd interest in the southeast quarter of the Southeast quarter of Section 32, Township 7 South, Range 46 East of the Boise Meridian and the North half of the Northeast quarter, Lots 4, 5 and 6, and the Northwest quarter of the Southeast quarter of Section 5, Township 8 South, Range 46 East of the Boise Meridian.

Dated this 5 day of Aug, 1959.

(Seal)

/s/ F. W. Harris  
Probate Judge

STATE OF IDAHO )  
COUNTY OF CARIBOU ) ss

I, Genevieve Young, Clerk of the Probate Court of Caribou County, Idaho, do hereby certify that the within and foregoing is a full, true, and correct copy of the original DECREE as the same appears on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this office at Soda Springs, Idaho, this 5th day of August, 1959.

Genevieve Young  
Clerk of Probate Court

43128

STATE OF IDAHO ) ss  
County of Caribou )  
I hereby certify that this instrument was filed for record at the request of  
J. T. Armstrong at 2:05 o'clock P.M.  
this 5 day of August, 1959, in my office and duly  
recorded in Book 42 of Deeds  
at page 1 Ray Davis  
By Dorothy Dugan Ex-Officio Recorder  
100 8180

36

St Q 56 Q Sec 32 T7S R45E  
N 1/2 of NE Q, Lots 4 & 5 & 6  
NWSE Sec 5 T8S 46E