



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 19, 2007

Julie Murphy
Snake River Basin Adjudication
253 3rd Avenue North
Twin Falls, ID 83301

REF: Contested claim in basin 24

Subject: Original Claims for 24-4019, 24-4021, 24-4064 and 24-4068B

Dear Ms. Murphy,

Enclosed are the original Snake River Basin Adjudication claims for the above referenced rights. Claim 24-4019 was split into claims 24-10750 and 24-10751. Claim 24-4021 was also split into claims 24-10763 and 24-10764. Which from your list you need the originals for 24-10750, 24-10763 and 24-10764. I hope this clears up the confusion. If you have any questions please don't hesitate to call.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosures: Original Claims 24-4019, 24-4021, 24-4064 and 24-4068B

CC: Ray Williams (w/o attachments)



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 8, 2007

Cindy Bird
Idaho Department of Water Resources
15 W. Center Street
Soda Springs, ID 83276

RE: Basin 24 Claims

Dear Cindy:

I am enclosing some documents that I received from the SRBA Court. I'm not familiar with the claims that were filed, so you are likely better able than I am to answer Julie's questions.

If you have any questions, or need anything from me, please let me know.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Ray".

Ray Williams
Paralegal

Enclosures

09/13/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 24-4064

JUDITH M RIEDE
PO BOX 220
AFTON WY 83110-0220
Telephone Number: (307)886-9086

PETER M RIEDE
PO BOX 220
AFTON WY 83110-0220
Telephone Number: (307)886-9086

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

SEE ATTACHED LETTER.

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

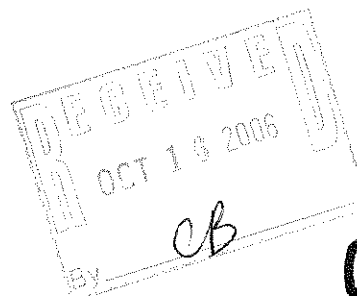
____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/11/06

SIGNATURE: Peter Riede

Please print your name: Peter Riede

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



COMPLETED
NOE KMT 10/10

Notes

4-20-01 ownership change in the file. PB

10-21-04 Assessor's Op.

Peter M. Riedle

PO Box 220

Aptos, CA 93110-0220

BT

See document timeline. BT

5-31-05 Put a copy of the plat, topo + ortho maps
in the file. PB

9/12/05 Division rate too high. No evidence to support
2.8 cts on 19 acres. Bryce didn't address the high
division.

-The POD's Bryce found are different than claimed.
When did they change?

The POD's match the statutory claim.

24-4068 B also claims these three sources,
different POH, except a 2.6 acre overlap.

The land claimed under this right wasn't

homestead until 8-4-1932. (receipt 2/7/1927).

12-27-05 Sent Claimant change in address form. PB

1-3-06 Received change in address from claimant. PB

8/23/06. Stock remarks on recommendation and NO stock
purpose?

change in POD. when? CO3?

change in POH. when? CO5?

SOU?

priority. ?

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Deter Riede	PO Box 220	Afton	WV	83110	
Name connector: and _____, or _____, and/or _____						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 7-21-05 Time: Am

Directions to Property (if different from above) and/or update owner information:

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

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A24-4064

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 2/7/1927 Recommended Basis: 25.21.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Please see narrative comments. BAC 30 July 05According to the homestead plat this ground
wasn't homesteaded until 8-4-1932 by A. Leslie
Nate. This receipt was dated 2/7/1927.Reviewer: CBDate: 9/12/05

Priority Date Data Entry Form

Point of Diversion and Source Data Entry Form

Claim Number: A24-04064

Water Right Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
10S	4SE	12		NWSWNW	Carbon	Warm Creek
GPS Coordinates: <u>2733876E 1267019N DATM 83</u>						
10S	4SE	12		NWSENE	Carbon	Books Creek
GPS Coordinates: <u>2734119E 1267320N DATM 83</u>						
10S	4SE	14		NWNE	Crow Creek	Carbon County
GPS Coordinates: <u>2733032E 1266119N DATM 83</u>						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? please see narrative

Document how the POD and Source were verified and/or Pump and Motor data:

GPS, field inspection. Note that Crow Creek diversion is not in the section claimed. No amended claim prepared at this time. BAC 30 July 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: A24-4064☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Irrigation observed. No stock seen on this date
but property is leased. Bac 30 July 05.

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Place Of Use Data Entry Form

Claim Number: A24-04064☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
10S	4SE	1	SWSW		Carbon		2.6	Dir, Stock
"	"	"	NWSE		"		9.7	" "
"	"	"	SWSE		"		6.5	" "

Total Acres 18.8

Document how the POU was verified:

Note that claim A24-04068B overlaps in SWSW.
Please see narrative. Bar 30 July 05.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A24-40624☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Ditch capacity is adequate for diversion rate appropriate
for wild flood. All tailwater returns immediately to
Crow Creek w/o intervening diversions between POD
and location of return flows. BAC 30 July 05

Reviewer: _____

Date: _____

Claim No.: A24-4064

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1) Narrative 2 pages 2) photos 3 pages

Reviewer _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): A24-4062 A24-4064
A24-4068B A24-4069

[] Name(s): Peter M. & Judith M. Riede

[] Old Mailing Address: 3920 Ellamge
Oakland, MI 48363

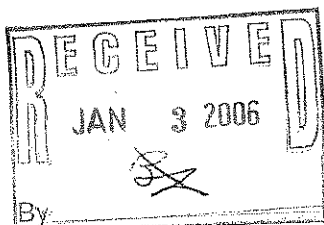
[] New Mailing Address: PO Box 220
AFTON, WY
83110

Telephone Number: (307) 886 - 9086

[] Signature(s) of Owner(s) 

Judith M. Riede
(Include your title if on behalf of company or organization)

Date: Dec. 30, 2005





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

COPY

Peter M. Riede
PO Box 220
Afton, WY 83110

December 27, 2005

REF: Snake River Basin Adjudication (SRBA)
Claim No(s): 24-4062, 24-4064, 24-4068B, 24-4069

Subject: Change in Address

Response Date: January 9, 2006

Dear Claimant(s),

According to Caribou County Assessor's Office your address is in Afton, Wyoming, our records still show your address at 3920 Ellamae, Oakland, MI. Before we can modify our records to reflect the change we need the change in address form completed and returned to our office.

If you have any questions please feel free to contact me at 547-3993.

Respectfully,

Pauline Bassett

Enclosure: change in address form

Field Exam Narrative, A24-04064 and A24-04068B
30 July 2005, B. Contor

These two water rights are for irrigation on the south side of Crow Creek, with water supply from Crow Creek, Warm Creek, and Books Creek. The Crow Creek diversion is the furthest upstream and intercepts the other two creeks as it proceeds downstream. This ditch and these three diversions are shared with neighbor Fred Nate, A24-04068A. The Crow Creek diversion is also shared with Alleman, claim A24-10026.

Full contact log and sketch map is contained in A24-04062. All photos for A24-04064 and A24-04068B are in A24-04064 paper file.

1. Priority.

Per Fred Nate, historical practice since the property was divided has been to share the water right on a 1/3 (A24-04064 and A24-04068B) - 2/3 (A24-04068A) rotation. Riede acknowledges this practice since his arrival. To preserve this practice it will be important to recommend A24-04068A and A24-04068B with identical priority dates based on the evidence in both files.

2. Place of Use.

Shapefiles A24-04064.shp and A24-04068B.shp show the place of used based on field inspection, GIS viewing of 1987 aerial photos, and GPS waypoint 3 which marks the point shown to me by Riedes as the furthest extent of lands irrigated from the ditch from Crow Creek/Warm Creek/Books Creek. The apparently wet lands beyond this waypoint are naturally wet from springs and are not irrigated.

GIS shows 18.8 acres of irrigation under A24-04064 and 32.4 acres under A24-04068B. However, claim A24-04068B is only for 30 acres, and there is 2.6 acres of overlap in SWSW of section 1, claimed under both claims. Total irrigated area is 48.6 acres, claims sum to 53 acres.

One solution would be to recommend only A24-04064 in SWSW, freeing up enough acres for the lands claimed only A24-04068B. Another would be to prepare an amended claim for additional acres. I have taken no action either way.

3. Points of Diversion.

Crow Creek diversion, waypoint 4, 2733032E 1266119N IDTM83. No site tag. This is shared between A24-04064 (Riede), A24-04068B (Riede), A24-04068A (Nate) and A24-10026 (Alleman).

Warm Creek diversion, waypoint 10, 2733876E 1267019N IDTM 83. No site tag. The ditch from Crow Creek intercepts the entire flow of Warm Creek. This POD serves A24-04064 and A24-04068B (Riede) as well as A24-04068A (Nate).

Books Creek diversion, waypoint 11, 2734119E 1267320N IDTM83. No site tag. The entire flow of Books Creek is spread out on a grassy area uphill of the Crow Creek ditch. While there is no physical connection between the Books Creek ditch and the Crow Creek ditch, Fred Nate states that at times tailwater from Books Creek accumulates in the Crow Creek ditch and is conveyed onto Riede property when it is Riede's turn in rotation.

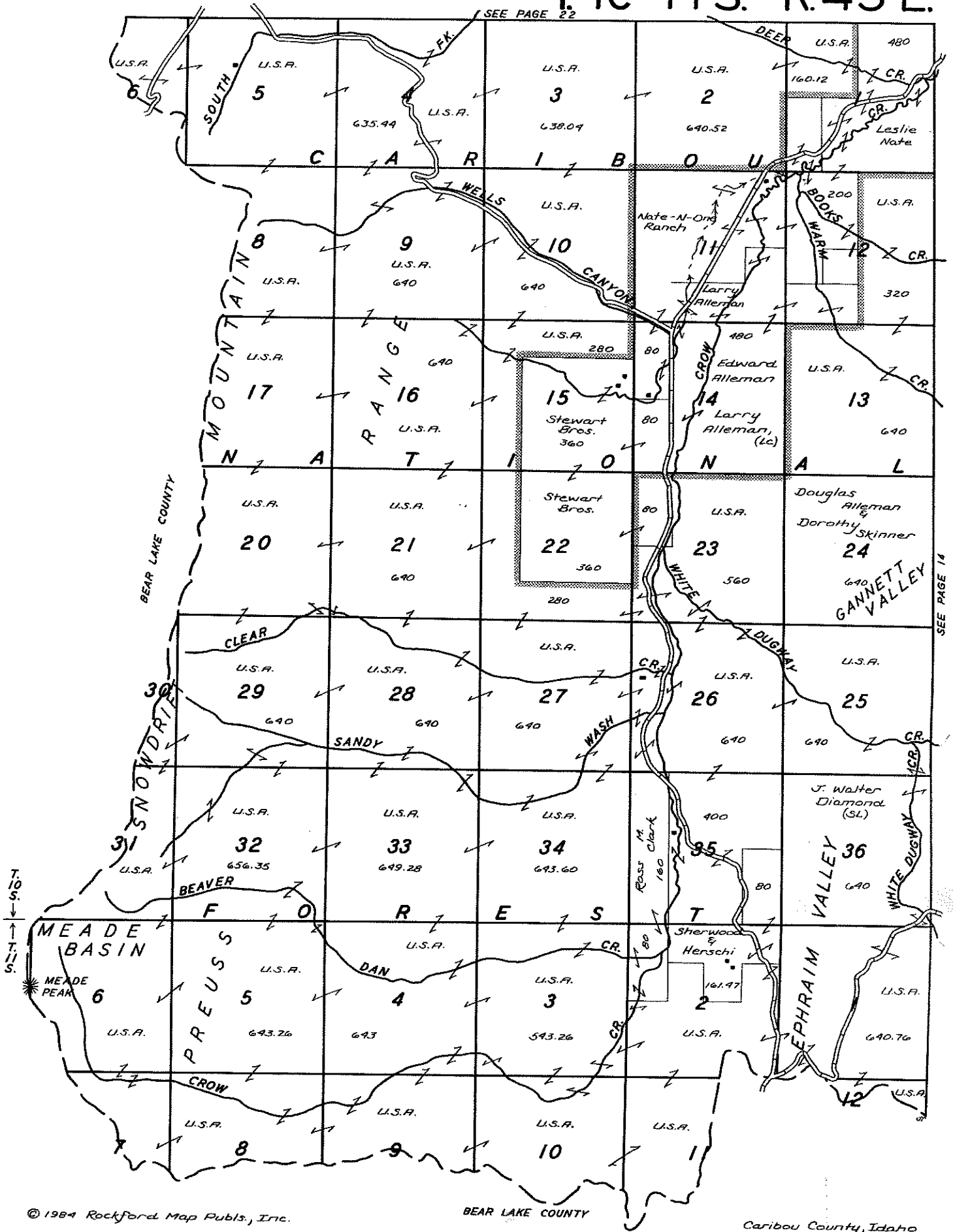
4. Quantity.

Books Creek and Warm Creek are very small streams entirely intercepted by the ditch. The diversion at Crow Creek supplies a ditch that was running 8 feet wide, 1.9 feet deep, with a floating stick traveling 10 steps (approx. 28 feet) in 25 seconds. This appears to be adequate capacity to serve all the rights claimed from this POD.



SEE PAGE 22

SEE PAGE 14



Peter Riede
Timeline of Documents in 24-4062, 24-4063, 24-4064, 24-4068B and/or 24-4069

8/22/2000	Warranty Deed, Robert & Carol Nate to Peter & Judith Riede T10S, R45E, Section 1, SWSW, part of All water and ditch rights of record with IDWR Recorded #162000
8/22/2000	Warranty Deed, Robert L. & Carol H. Nate to Peter & Judith Riede T10S, R45E, Section 1, SWSW, part of All water and ditch rights of record with IDWR
4/4/1997	Warranty Deed, Trust of Albert Leslie Nate to Peter & Judith Riede T10S, R45E, Section 1, NE1/4, SESW: Parcel A: T10S, R45E, Section 1, SWSW, part of Parcel B: T10S, R45E, Section 1, SWSW, part of Parcel C: T10S, R45E, Section 1 SENE, part of All water and ditch rights represented by 24-4062, 24-4064, 24-4068B, 24-4069 Recorded #154367
11/28/1932	U.S.A. Patent to A. Leslie Nate T10S, R45E, Section 1, Lots 1 and 2, S1/2NE, SE, W1/2SW, 400.04 ac Recorded #1059864

Ride

21400

2140A

Point 21400

10, 45, 1 SW, E $\frac{1}{2}$

dry grazing

341 ac

meadow

66 "

Point 2140A

10 S, 45 E, 1 TR SWSW

rural res. tract 6.0

no irrigated

10-21-04/RS

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 24-04062, 24-04064, 24-04068, 24-04069
Adjudication Claim Number(s) A24-04062, A24-04064, A24-04068B, A24-04069

2. The following **REQUIRED** information must be submitted with this form.

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Robert L. Nate, Trustee
385 Shelley Avenue, Shelley, ID 83274

4. New Owner/Claimant(s) Peter M. Riede and Judith M. Riede
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 3920 Ellamae
City, State and ZIP Code Oakland, MI 48363
New Telephone Number (810) 299 - 5070

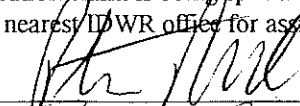
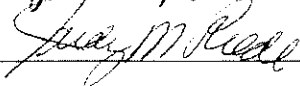
5. Date you acquired the property June 5, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)  Date 9/2/97
 Date 9/2/97

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

THIS INDENTURE is made this 4 day of April, 1997, by **Robert L. Nate**, not individually, but as **Trustee of the Testamentary Trust of Albert Leslie Nate, deceased**, "Grantor," and **Peter M. Riede and Judith M. Riede**, husband and wife, whose address is 3920 Ellamae, Oakland, Michigan 48363, "Grantees,"

W I T N E S S E T H :

That the Grantor for and in consideration of the sum of ten and no/100 dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration, to it in hand paid by Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey, and confirm unto Grantees, and to their heirs and assigns forever, all of the following described real estate situated in the County of Caribou, State of Idaho, to-wit:

Township 10 South, Range 45, E.B.M.

Section 1: The NE 1/4, the SE 1/4 and the SW 1/4

Excepting therefrom those parcels located in said SW 1/4 and said NE 1/4 described on the attached Exhibit "A" which is by this reference incorporated herein.

TOGETHER WITH an easement hereby granted to the Grantees for the benefit of Grantees and Grantees' immediate family (i.e., their children) certain nonassignable catch/release fishing and hunting rights, limited and defined as follows:

1. The right to come upon those excepted parcels described on said Exhibit "A" for the limited purpose of catch/release fishing and for hunting, but provided that the hunting will not unduly disturb or cause any damage to the property entered upon, and no hunting shall be done within one-quarter mile of any permanent buildings on such subject property entered upon; except that Grantees may hunt anywhere on the real property owned by them.
2. These rights, unless extended by mutual agreement of the parties hereafter, shall automatically expire at midnight on December 31, 2005.

FURTHER TOGETHER WITH the non-exclusive use of a so-called "jeep trail" located generally along the Southerly boundary of that excepted tract (on Exhibit "A") located in the Southeast corner of the NE 1/4 of said Section 1, said use to be for ingress to and egress from the forest lands lying East of the property being conveyed hereby and that excepted tract. This shall be a permanent easement running only with the property being conveyed hereby and said excepted tract.

154367

SUBJECT TO:

1. The Grantor hereby reserves to and for the benefit of Robert L. Nate and Carol Nate, his wife, and their two children, Curtis and Randy; and to Donna Nate Jensen and Joe Jensen, her spouse, and their four children, Leslie Ann, Bruce, Nate, and Robert; and Ruth LaRae Nate Rasmussen and Larry Rasmussen, her spouse, and their three children, Jeff, Christine, and Wendy, certain nonassignable catch/release fishing and hunting rights limited and defined as follows:
 - (a) The right to come upon the property hereinabove conveyed, for the limited purpose of catch/release fishing and for hunting, but provided that the hunting will not unduly disturb or cause any damage to the property entered upon, and no hunting shall be done within one-quarter mile of any permanent buildings on the property entered upon; except that such beneficial holders may hunt anywhere on property owned by Grantor or by such named beneficial holders;
 - (b) These rights, unless extended by mutual agreement hereafter, shall automatically expire at midnight, December 31, 2005.
2. Zoning or other land use regulations and ordinances affecting the described property conveyed hereunder.
3. All utility easements of record or those appearing on the land which affect the property being conveyed hereby.
4. Covenants, restrictions, patents, mineral, or other reservations and easements of sight or record which affect the property being conveyed hereby.
5. Real estate taxes and assessments for the year 1997 and all subsequent years.
6. The usual printed exceptions of a standard title insurance policy issued by Caribou Title Company of Soda Springs, Idaho.

BUT OTHERWISE TOGETHER WITH all tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, specifically including, but not being limited to, all water and ditch rights appertaining to the property being conveyed hereby, including those rights represented by Water Right Nos. (and Adjudication Claims) 24-04062, 24-04064, A24-04068B and A24-04069 filed in the records of the Idaho Department of Water Resources.

TO HAVE AND TO HOLD, all and singular, the above-mentioned and described premises, together with the appurtenances, unto Grantees, and to their heirs and assigns forever. And the Grantor, and its successors, the said premises in the quiet and peaceable possession of the Grantees, their heirs and assigns against Grantor, and its successors, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the Grantor has executed this document as of the day and year first above written.

THE TESTAMENTARY TRUST OF ALBERT
LESLIE NATE, deceased

By: Robert L. Nate, Trustee
Robert L. Nate, Trustee

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 7 day of APRIL, 1997, before me, Reed L. Moss, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Robert L. Nate, known to me to be the person whose name is subscribed to the within instrument as Trustee of the Testamentary Trust of Albert Leslie Nate, deceased, and acknowledged to me that he/she executed the same in such capacity.

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



Reed L. Moss
Notary Public for State of Idaho
Residing at: Idaho Falls
My Commission Expires: 2-26-98

STATE OF IDAHO } ss. 154367
County of Caribou }

I hereby certify that this instrument was filed at the request

of Caribou Title
at 4:30 o'clock P in this 5th day of
June, 19 97 in my office and duly

recorded in Microfilm Records

Recorder: Edie Izatt

Deputy Recorder

Jessie Stephens
Deputy 12.00
CT

EXHIBIT "A" TO WARRANTY DEED
Between ROBERT L. NATE, not individually, but as Trustee
of the Testamentary Trust of Albert Leslie Nate, deceased
AND

154367

BETWEEN PETER M. RIEDE AND JUDITH M. RIEDE, husband and wife,

PARCEL A: A tract of land in a portion of the SW1/4 SW1/4 Section 1,
Township 10 South, Range 45 East, Boise Meridian, Caribou County,
Idaho and more particularly described as follows:

Commencing at the Brass Cap marking the SW Corner of Section 1,
T.10S.,R.45E.,B.M., said point being the TRUE POINT OF BEGINNING;

Thence N00°12'06"E 403.76' to the centerline of Crow Creek Road;
Thence N67°07'30"E 527.26' to a point of curvature to the right,
Said curve having a central angle of 12°26'27", a radius of 440.74',
a length of 95.70', a tangent of 48.04', a chord length of 95.51',
and a chord bearing of N73°40'44"E; Thence S00°12'06"W 636.73' to
the south line of Section 1; Thence N89°56'13"W 576.48' to the
TRUE POINT OF BEGINNING and comprising 6.93 Acres more or less.

PARCEL B: A tract of land in a portion of the SW1/4 SW1/4 Section 1,
Township 10 South, Range 45 East, Boise Meridian, Caribou County,
Idaho and more particularly described as follows:

Commencing at the Brass Cap marking the SW Corner of Section 1,
T.10S.,R.45E.,B.M.; Thence S89°56'13"E 576.48' along the south
line of Section 1 to an iron pin, said iron pin being the
TRUE POINT OF BEGINNING;

Thence continuing S89°56'13"E 490.75'; Thence N00°23'20"E 587.24' to
the centerline of Crow Creek Road; Thence on a non-tangential
curve to the right, said curve having a central angle of 21°18'30",
a radius of 229.18', a length of 85.23', a tangent of 43.11', a
chord length of 84.74', and a chord bearing of N89°25'27"W; Thence
N78°46'12"W 246.77' to a point of curvature to the left, said curve
having a central angle of 21°39'51", a radius of 440.74', a length
of 166.65', a tangent of 84.33', a chord length of 165.66' and a
chord bearing of N89°36'08"W; Thence S00°12'06"W 636.73' to the
TRUE POINT OF BEGINNING and comprising 6.96 Acres more or less.

PARCEL C: A tract of land in a portion of the SE1/4 NE1/4 Section 1,
Township 10 South, Range 45 East, Boise Meridian, Caribou County,
Idaho and more particularly described as follows:

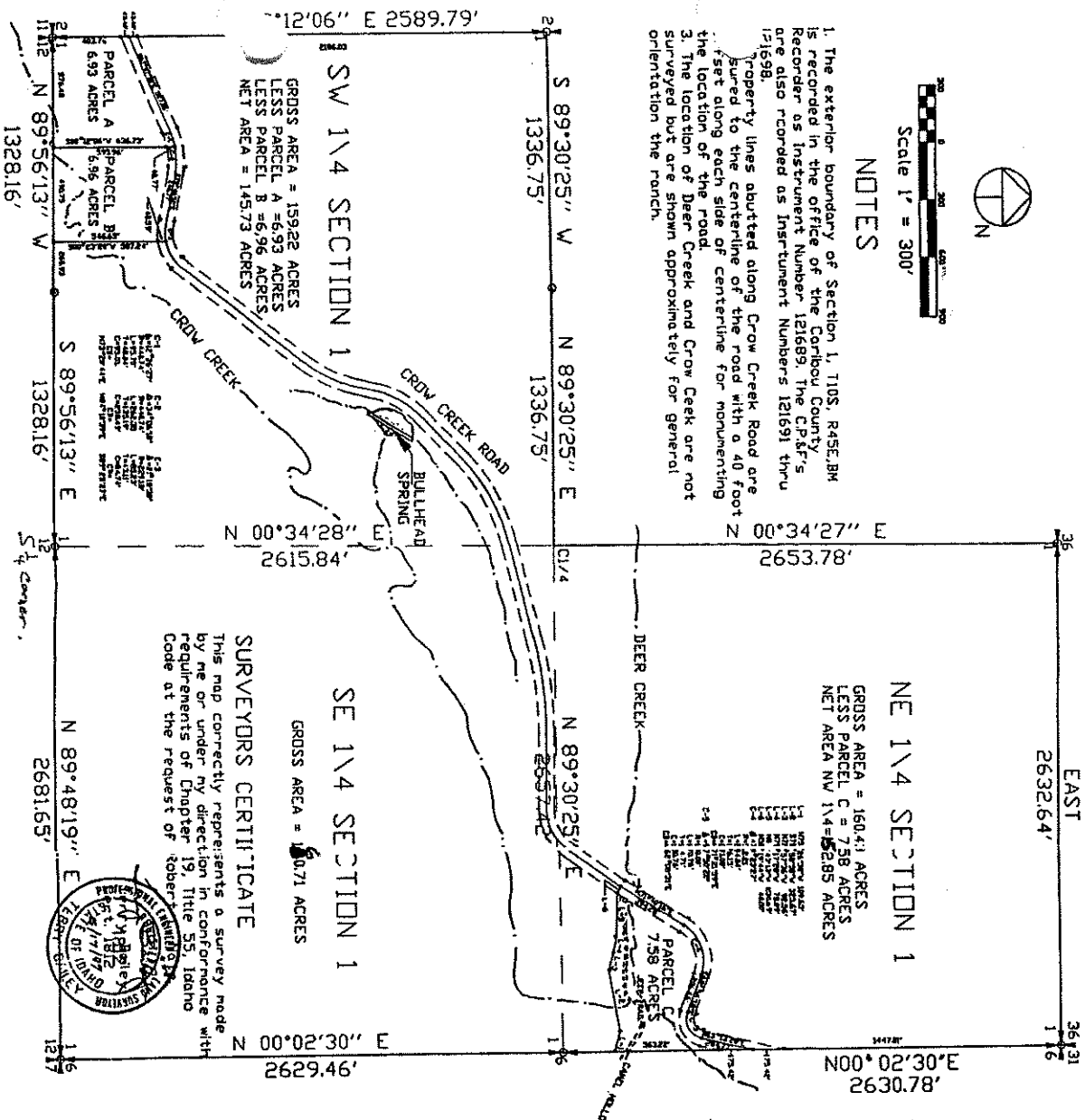
Commencing at the Aluminum Cap that marks the East 1/4 Corner
of Section 1, T.10S.,R.45E.,B.M.; Thence N00°02'30"E 269.71' to
an iron pin, said iron pin being the TRUE POINT OF BEGINNING.

Thence continuing N00°02'30"E 738.64' to a point on the centerline
of Crow Creek Road; Thence S13°13'20"W 284.77' to a point of
curvature to the right, said curve having a central angle of
97°50'22", a radius of 100.00', a length of 170.76', a tangent of
114.71', a chord length of 150.76' and a chord bearing of S62°08'31"W;
Thence N68°56'18"W 206.66' to a point of curvature to the left,
said curve having a central angle of 79°23'26", a radius of 212.21',
a tangent of 176.15', a chord length of 271.08' and a chord
bearing of S71°21'59"W; Thence S31°40'16"W 394.28' to a point near
a line fence bearing easterly; Thence closely following the fence
line the following courses and distances: S58°19'44"E 40.00';
S87°43'13"E 230.69'; S79°17'28"E 78.09'; S72°57'36"E 92.56'; N79°58'58"E
222.67'; S75°22'30"E 109.63' to the TRUE POINT OF BEGINNING and



NOTES

1. The exterior boundary of Section 1, T10S, R45E, BM is recorded in the office of the Caribou County Recorder as Instrument Number 121689. The C.P.A.'s are also recorded as Instrument Numbers 121691 thru 121698.
2. Property lines abutted along Crow Creek Road are set along the centerline of the road with a 40 foot offset along each side of centerline for monumenting the location of the road.
3. The location of Deer Creek and Crow Creek are not surveyed but are shown approximately for general orientation the ranch.



DATE	FILED
MAY 15 1987	DAVE RANCH SURVEY
BY	COLLEEN L. DODD

File name: CALESNATE

A SURVEY OF
SECTION 1, T10S, R45E, BM,
CARIBOU, COUNTY, IDAHO

CROW CREEK 1

The above parcel excluding Parcels A, B and C comprises 458.89 acres more or less. This parcel also reserves an unrestricted right for ingress and egress to Canal Hollow along the jeep trail through Parcel C as shown.

AFFIDAVIT of Robert Leslie Nate, Trustee of The Testamentary Trust of
Albert Leslie Nate

STATE OF IDAHO)
 ss
COUNTY OF BINGAM)

Robert Leslie Nate, being first duly sworn, deposes and says:

TO: State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

SUBJECT: Evidence, Proof and Support of water right priority dates per
your request 9/14/94, concerning the Albert Leslie Nate, Test-
amentary Trust property in Caribou County, ID NO's A24-04064,
A24-04062, A24-04063, A24-04068B and A24-04069.

ATTACHED DATA AND SUPPORTING INFORMATION:

1. Map showing original homesteads in the area and patent dates, pro-
vided by and from records in the Caribou County Courthouse at Soda
Springs, ID.
2. Aerial map of the area on which I have sketched in the property of
the Testamentary Trust of Albert Leslie Nate, plus other notes re-
garding the flood irrigation systems. Map was in my files from the
settlement of the Leslie Nate Estate. I was the administrator of
this estate.
3. Copy of the patent issued by the Registrar of the Blackfoot, Idaho
Land Office to A. Leslie Nate for his homestead and signed by
Herbert Hoover 11/28/32. Also includes a receipt for his homestead
application dated 2/7/27.
4. Copy of documents transferring the Leslie Nate homestead properties
to the Testamentary Trust of Albert Leslie Nate.
5. Affidavit from Harvey Kennington, presently 88 years old. Early
homesteader and still owns ranch in the area. Familiar with the
now present Leslie Nate Trust properties.
6. Affidavit from Verl Smedley, his father, Edward Smedley, worked on
the ranch from 1918 to 1928.

My Grandfather, Charles C. Nate, who died in the late 50's, was an
early pioneer rancher in the area. My father, Albert Leslie Nate, born
in 1903 worked with my grandfather on the ranching complex until his
death in November 1982. I also worked on the ranch until I was 32 years
old and continued to do so directly and indirectly until the present
time. I was born April 8, 1928.

My grandfather and father told me of grazing cattle in the area of
the referenced water rights even before homesteading occurred. The
water was and is still being used to flood irrigate the natural meadow
and graze cattle.

The attached map procured from the Caribou County Courthouse in Soda Springs, ID indicates that Seth B. Nield was the first homesteader of 80 acres between 80 acres and 320 acres homesteaded by my father, Leslie Nate. The Seth B. Nield homestead was patented 12/13/05. My father received a patent on his homestead 11/28/32. (See copy of original deed and the receipt of fees dated 2/7/27 issued by the U.S. Land office in Blackfoot, ID).

Other homesteaders on the adjoining property was homesteaded as early as 1909. These adjoining properties became the Books Ranch and then was procured by my grandfather in the early 1900's and became the Charles C. Nate Ranch until his death and is now owned by Ferris Nate. One exception is the 80 acres mentioned previuse as being between hte two parcels homesteaded by my father. After his death it became the property of the present Albert Leslie Nate Testamentary Trust.

In the early 1900's, the homesteaders, my grandfather, and father grazed and watered livestock on the properties. To improve the growth of the natural meadow they built ditches and flood irrigated the meadow with the water prior to it entering back into Crow Creek. This was necessary not only to provide better grazing for their own livestock but to provide pasture in the summer and some hay in the winter for the freighters who started freighting supplies back and forth from Star Valley to Montpelier along the Crow Creek Road as early as 1895 and continued to do so well into the 1920's. (Ref. "Treasured Tidbits of Time"; copyright 1977).

The ditches and flood irrigation systems have been in existance as far back as I can remember as small child at age 4 or 5, when I accompanied my father and grandfather to these ranch properties. At times we stayed in my father's old homestead cabin, the remaines of which are still there today. I was also there and remember the daming of the Books Spring in 1955 and extending the ditch to water additional acreage on my father's homestead.

The purpose of the forgoing disertation is to establish the early history of the early building of ditches and need for the improvement of grazing on the properties by the early pioneers including my grandfather and father who talked to me and told me the detail and early history of the properties including the flood irrigating of the property. This is also addressed on the enclosed affidavits submitted by Harvey Kennington of Fairview, WY and Verl Smedley of Cheyenne, WY, whose father, Edward Smedley, worked and lived on the properties in the summer time from 1918 to 1928. Edward also worked on the ranch complex intermittently for my grandfather and father the rest of his life.

SUMMARY: Water Rights of The Testamentary Trust of Albert Leslie Nate
Caribou County, ID

Water Right No: A24-04062
Water Source: Books Spring
Priority Date: 6/1/55

NOV 07 1956

Books Spring is also known as the Big Spring, Bull Head Spring, and Cozzin Spring. I remember the construction of a dam and extension of a ditch in 1955 to flood irrigate the property origionally homesteaded by Leslie Nate, (11/28/32). See attached patent document as recorded. The purpose was to improve growth of the natural grasses

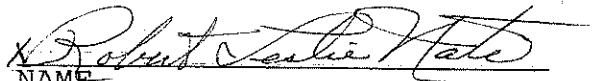
I also believe the Priority date of 6/1/29 is a valid and correct date for reasons stated and my personal knowledge of the area. The priority date of water being put to beneficial use could have been even earlier.

I firmly believe that all priority dates and data you have on record concerning the properties of the Testamentary Trust of Albert Leslie Nate are accurate and valid based on the previous discussion and the attached information.

I was with my father in your office when he provided the priority dates and information to file on the water rights 3/3/82. At that time he had access to the old records of his father, Charles Nate. He also had homesteaded property and had ranched in the area all his life. I firmly believe all priority dates and information provided by him are accurate and valid and based on his personal knowledge as well as existing records. Harold Nate, dad's brother, provided the priority date and information for water right no. A24-04069 when it was filed 2/14/83. He also had access to the old records and a lifetime of knowledge of the area and I firmly believe the priority date and additional data on your records to be valid and accurate.

The old records kept by my grandfather since the early days were primarily in the hands of dad's brothers, Charles Russell and Harold Nate. It is unfortunate but after their deaths the records were either misplaced or discarded by their children and not passed on to me or other still living members of the family.

I am continuing my search for additional information and will forward any information to your office. If you need any further information or clarification let me know.


NAME

SWORN to before me this 9 day of November, 1994.


Notary Public for Idaho
Residing at Shelley, Idaho
My Comm. Expires: 10-2-95

(SEAL)

and provide stock water for summer grazing of cattle. This flood irrigation system is in use today and cattle are presently being pastured on the property.

Water Right No: A24-04069
Water Source Books Spring
Priority Date: 8/28/13

Property homesteaded by Seth B. Nield and patented 2/13/05. Also known as the John Cozzin's homestead and or ranch. Remains of homestead cabin are still evident. Water from the spring was diverted by these early settlers for flood irrigation. Reference is made to this property in attached affidavits from Harvey Kennington and Verl Smedley. The property was procured by Charles Nate in the early 1900's and on 2/12/86 deeded to the Leslie Nate Trust. Based on conversation with my grandfather and father, from the time I was young, and being involved with the ranch all my life, I firmly believe that the history and priority date is correct. The flood irrigation system is still in use and cattle are grazed on the property. The old system was improved when a dam was constructed in 1955.

Water Right No's: A24-04064 & A24-04068B
Water Source: Books Creek, Worm Creek and Crow Creek
Priority Dates: 6/1/19 8/28/13

The early homesteaders as shown on the attached map and my grandfather when he procured the adjoining property in the early 1900's including the 80 acres which now belongs to the Leslie Nate Trust built the ditch as shown on the aerial photo. The purpose was to divert water from Books Creek and Worm Creek and supplement these streams by diverting additional water from Crow Creek to improve irrigation on the natural meadow, therefore improving grazing for their livestock.

My grandfather and father were grazing cattle on the area even before people began taking up homesteads. They often told me of the trouble they had with wolves preying on and killing the cattle.

The ditch is also referred to in the attached affidavits. Based on my knowledge of the area, discussion with early pioneers, including my grandfather and father I believe the priority dates and the additional information recorded in your office is valid and correct concerning these water rights.

Water Right No: A24-04063
Water Source: Waste Water
Priority Date: 6/1/29

The wastewater is a result of flood irrigation of adjacent property owned by Charles Nate. Water accumulated on the westside of the road was directed underneath the road and a ditch built to distribute it across what was known and used for a horse pasture before the water entered Crow Creek.

NOV 07 1990
The affidavit of Verl Smedley indicates that this water distribution system could have been in place before the 6/1/29 priority date. This system is presently being used and provides water for flood irrigation as indicated in your record. Cattle and horses are pastured in the area at the present time.

Leslie.
Nate.

A.
Leslie
Nate
8-4-32
B.

Charles.
Russell.
Nate.
George
H Books.
Pat
8-22-10.

Nield
Pat.
2-13-05.
George.
H Books.
Pat.
12-15-14.

Charles
R. Wells.
Pat.
10-18-09

Edwin.
Pat.
10-18-09

Adolph.
Boss.
Pat.
1-22-12.

Emeline.
Alleman.
Pat. 8-14-17.

Abraham
Alleman.
Pat.
3-11-12.

John
Peter
Alleman.
Pat.
8-16-34.

Matthew.
Alleman.
Pat.
8-21-18.

Pat.
6-21-11

11-27-33

Orson.
J. Knapp.
Pat. 11-24-22.

Witford
and

=Lease=
Lauridsen

Log for claim 24-04064

Spatial Dynamics LTD

4/11/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s45e	1	SWSW	4	11	Indiscernible
10s45e	1	NWSE	14	16	
10s45e	1	SWSE	5	6.5	
Totals:			23	33.5	

24 4064

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 18, 1997

PETER M & JUDITH M RIEDE
3920 ELLAMAE
OAKLAND MI 48363

RE: CHANGE IN OWNERSHIP FOR A24-04062, A24-04064,
A24-04068B, A24-04069

Dear Mr. & Mrs. Riede:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Autumn Jones
Records Clerk

Enclosure: Notice(s) of Claim

Microfilm
Evidence in
A24-04062

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NOV 0 / 1990