

09/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-2009

NAME AND ADDRESS: RAY E & SYLVIA E PETERSON FAMILY TRUST
5496 BITTERCREEK RD
AFTON WY 83110

SOURCE: TYGEE CREEK
WEBSTER CREEK

TRIBUTARY: STUMP CREEK
TRIBUTARY: SPRING CREEK

QUANTITY: 2.400 CFS

PRIORITY DATE: 10/05/1908

POINT OF DIVERSION:

T07S R46E S33 NESENE Within CARIBOU County
T07S R46E S34 SESWSW Within CARIBOU County
T07S R46E S34 SESWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.400 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R46E S34	SWNW	33.00	T07S R46E S34	SENW	16.00
T07S R46E S34	NESW	10.00	T07S R46E S34	NWSW	32.00
T07S R46E S34	SWSW	26.00	T07S R46E S34	SESW	3.00

120 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

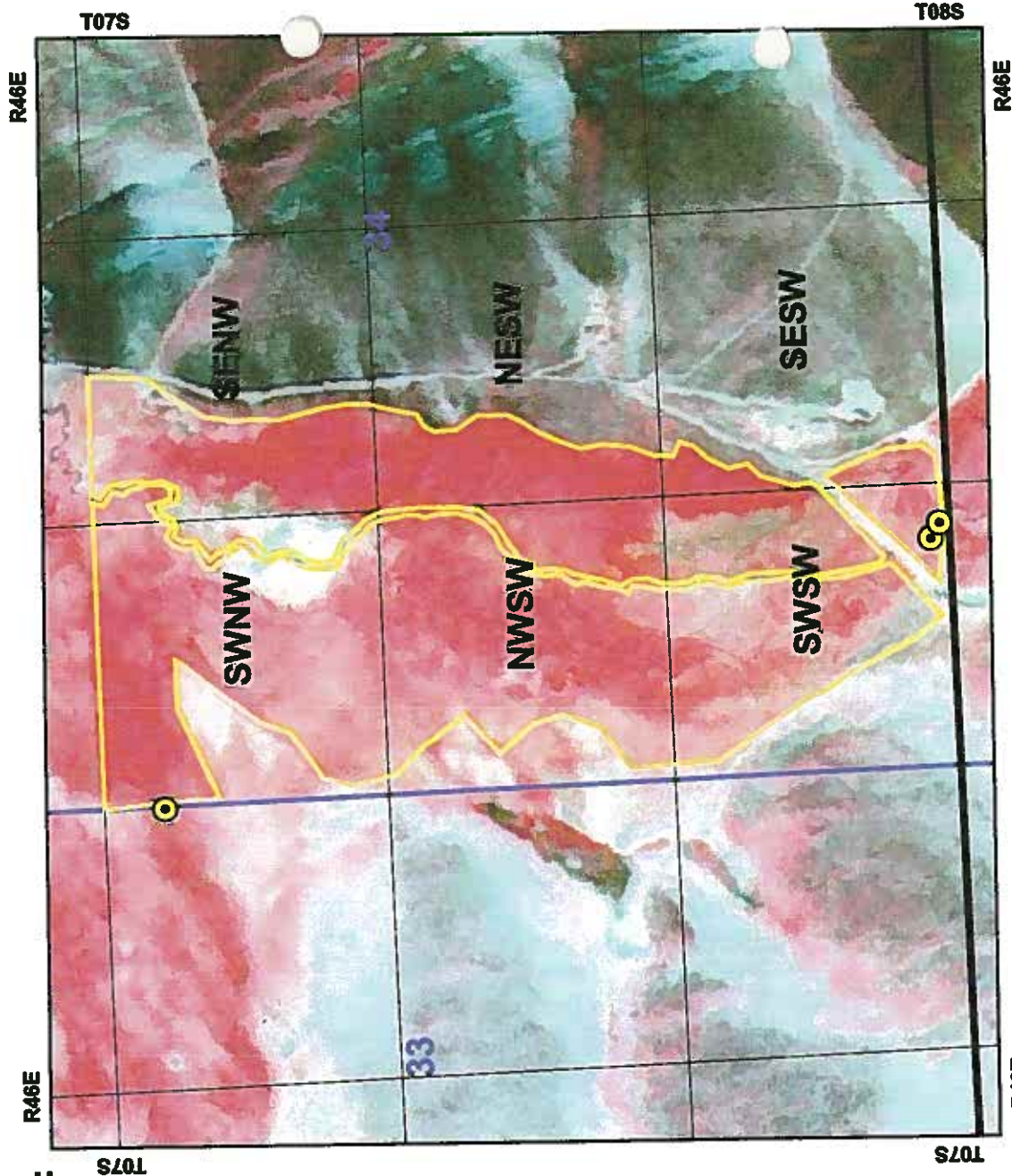
24-2009
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Caribou County
IDWR Basin 24



Prepared by C. BIRD
On Friday, September 29, 2006
1987/88 Aerial Photography

09/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-2009

NAME AND ADDRESS: RAY E & SYLVIA E PETERSON FAMILY TRUST
5496 BITTERCREEK RD
AFTON WY 83110

SOURCE: TYGEE CREEK
WEBSTER CREEK

TRIBUTARY: STUMP CREEK
TRIBUTARY: SPRING CREEK

QUANTITY: 1.580 CFS

PRIORITY DATE: 10/05/1908

POINT OF DIVERSION:

T07S R46E S33 NESENE Within CARIBOU County

T07S R46E S34 SESWSW Within CARIBOU County

T07S R46E S34 SESWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.580 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R46E S34	SWNW	31.00	T07S R46E S34	NWSW	28.00
T07S R46E S34	SWSW	20.00			

79 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-2009
Date Received: 3/1/2006
Receipt No: 8000008
Received By: CB #155

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PETERSON FAMILY TRUST, RAY E & SYLVIA E Phone: (307) 886-3518
5496 BITTERCREEK ROAD
AFTON WY USA 83110

2. Date of Priority: 10/05/1908

3. Source: WEBSTER CREEK, TYGEE CREEK Trib. to: SPRING CREEK, STUMP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
07S	46E	33	NE	SW	CARIBOU	
07S	46E	34	SE	SW	CARIBOU	
07S	46E	33	SE	NW	CARIBOU	

5. Description of diverting works:

HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.4	

7. Total Quantity Appropriated is:
2.4 C.F.S.

8. Total consumptive use:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	46E	34	SW	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	120
					Total Acres	120

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

SOURCE OF TAGGEE CREEK DESCRIBED BY USGS QUAD AS TYGEE CREEK.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

For Organizations:

I do solemnly swear or affirm that I am Trustee of
Ray E. & Sylvia E. Family Trust Title
Trust Organization, that I have signed the foregoing
document, in the space below as Trustee of
Ray E. & Sylvia E. Family Trust Title
Trust Organization and that the statements contained in the
foregoing document are true and correct. Brent Peterson
Signature of Authorized Agent

Trustee
Title and Organization

3-1-06
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 1st of March 2006



Cindy E Bird
Notary Public
Residing at Lava Hot Springs
My commission Expires May 1, 2007

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

8155 -

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) RAY E. & SYLVIA E. PETERSON FAMILY TRUST Phone (307) 886-3518

Mailing Address 5496 Bitter Creek Road; Afton, Wyo. Zip 83110

2. Date of Priority (Only one (1) per claim) 10/5/1908

3. Source of water supply (a) TYGEE CREEK WEBSTER CREEK
which is tributary to (b) STUMP CREEK, SPRING CREEK

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
SE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Caribou

Additional points of diversion if any: SE 1/4 NW 1/4 WEBSTER CREEK

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

HEADGATE

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRrigation purposes from April 7 to Nov. 1 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 50 mother cows

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	46E	34							40		40	40							120

Total number of acres irrigated 120

11. In which county (ies) are lands listed above as place of use located? CARIBOU

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

Last Name _____ Ident No. _____

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

Scale: 2 inches equals 1 mile

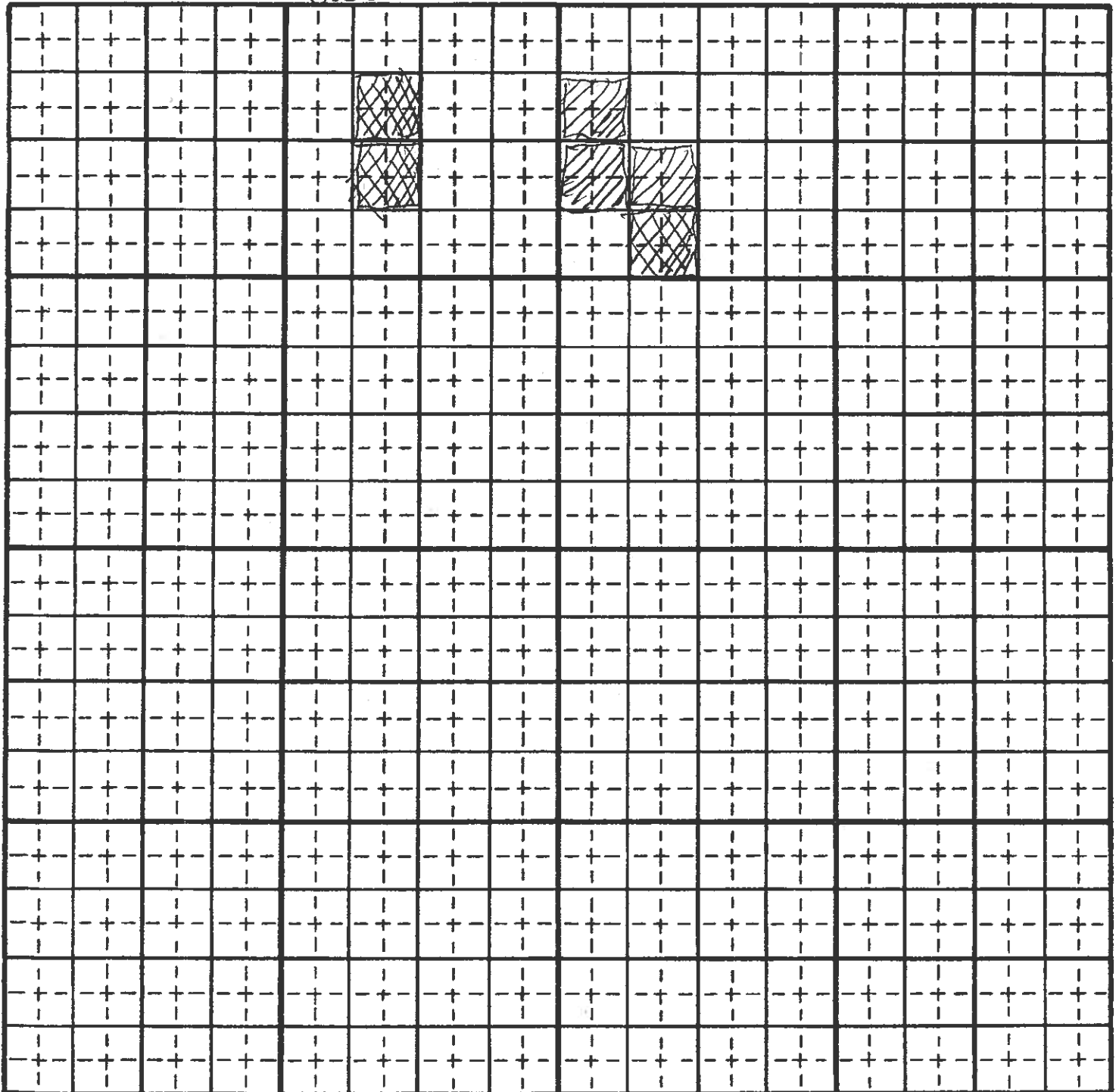
(DIVERSION) 

(USE) 

(DIVERSION)

Sec 33-T7S-R46E

Sec. 34-T7S-R46E



Last Name _____ Ident No. _____

09/29/2006

**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: October 16, 2006

Water right number: 24-2009

RAY E & SYLVIA E PETERSON FAMILY TRUST
5496 BITTERCREEK RD
AFTON WY 83110

2nd Notice.

2.4 cfs.

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

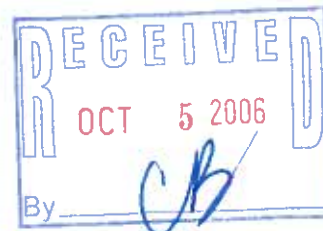
2. Describe the changes you wish to make in the proposed recommendation:

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: 10-2-06 SIGNATURE: Brent T. Peterson Trustee
Please print your name: Brent T. Peterson

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



09/12/2006

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: 24-2009

1st Notice.

(1.58 cfs)

RAY E & SYLVIA E PETERSON FAMILY TRUST
5496 BITTERCREEK RD
AFTON WY 83110

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

Number of acres, diversion rate.

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

should be 120 acres, 2.4 cfs.

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: 10-8-06

SIGNATURE: Brent Peterson

Please print your name: Brent T. Peterson

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



Notes

3-3-06 Added to F.I. + S.S. BP

3-3-06 " license copy BP

3-30-06 " maps. BP

4-5-06 Addressed County info. It does not appear that he owns all that he is claiming. BP

6-10-06 met with Brent Peterson to conduct field exam. AG

10/5/06. NOF Reply - agree OB



POD #3 from Tygee Creek (E2739726 N128895).



POD #3 from Tygee Creek (E2739726 N128895).



View is north of ditch #3 entering POU from Tygee Creek.



POD #4 from Tygee Creek (E2739748 N1288883).



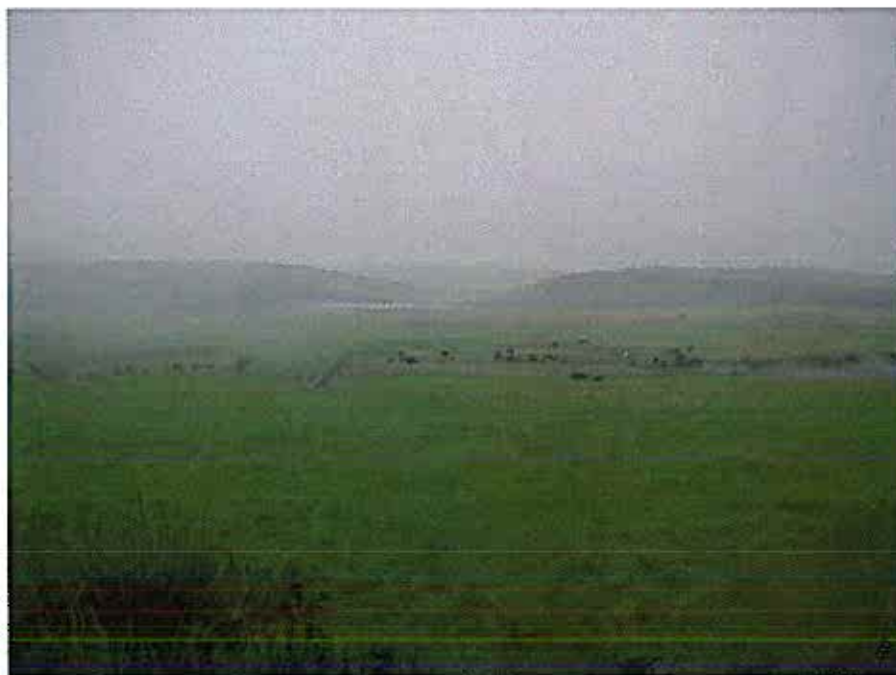
POD #4 from Tygee Creek (E2739748 N1288883).



View is north of ditch #4 entering POU from Tygee Creek.



View west of POU.



View west of POU.



View west of POU.



View west of POU.



Webster Creek POD view is north.



Webster Creek POD view is north.



Ditch from Webster Creek POD entering POU view is northeast.



Idaho Department of Water Resources

NE NW 3.

SRBA Recommendation:

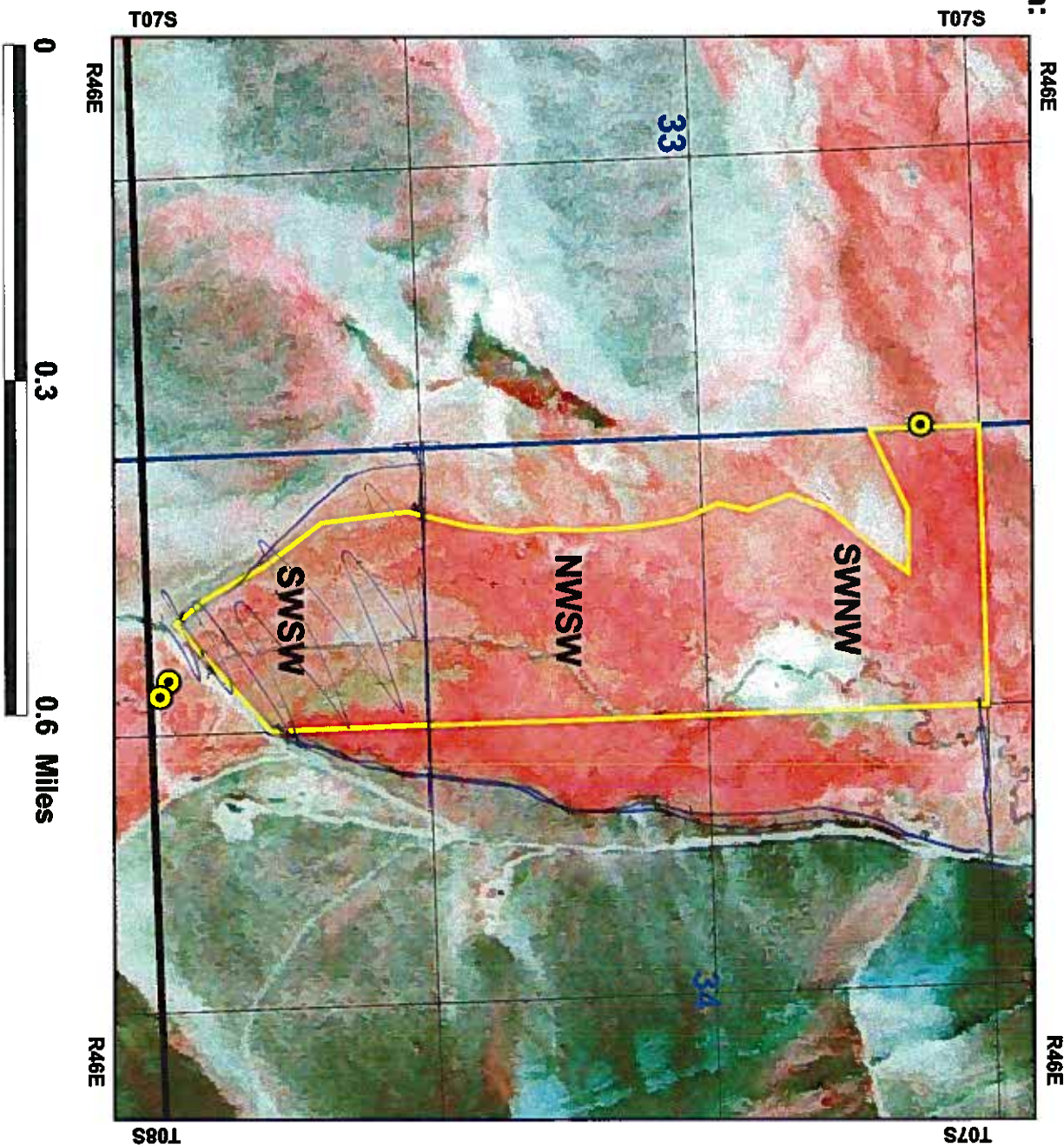
24-2009

Legend

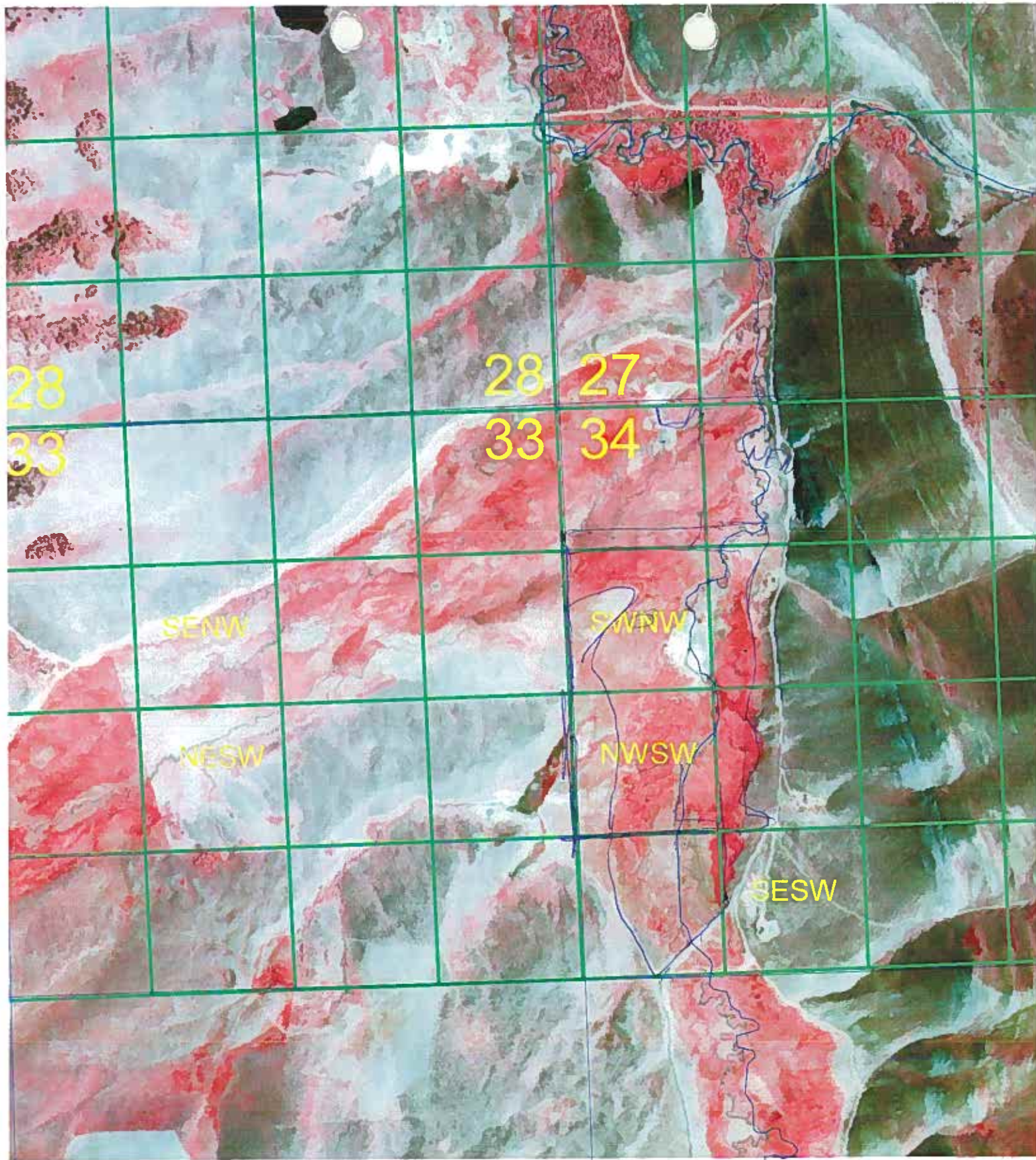
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Caribou County
IDWR Basin 24

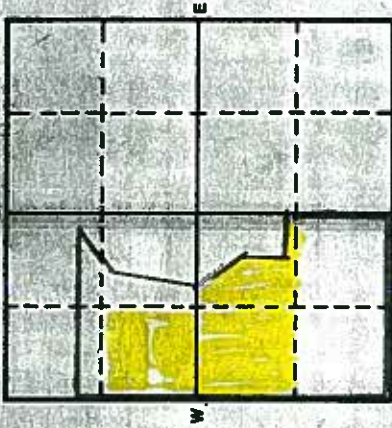


Prepared by A. Golart
On Monday, August 21, 2006
1987/88 Aerial Photography



T 7S, R 46E 24-2009

WORD AND DESCRIPTION

[illegible]

Well	Improvements
Irrigation = 0	Occupied = x
Stock = 5	Vacant = y

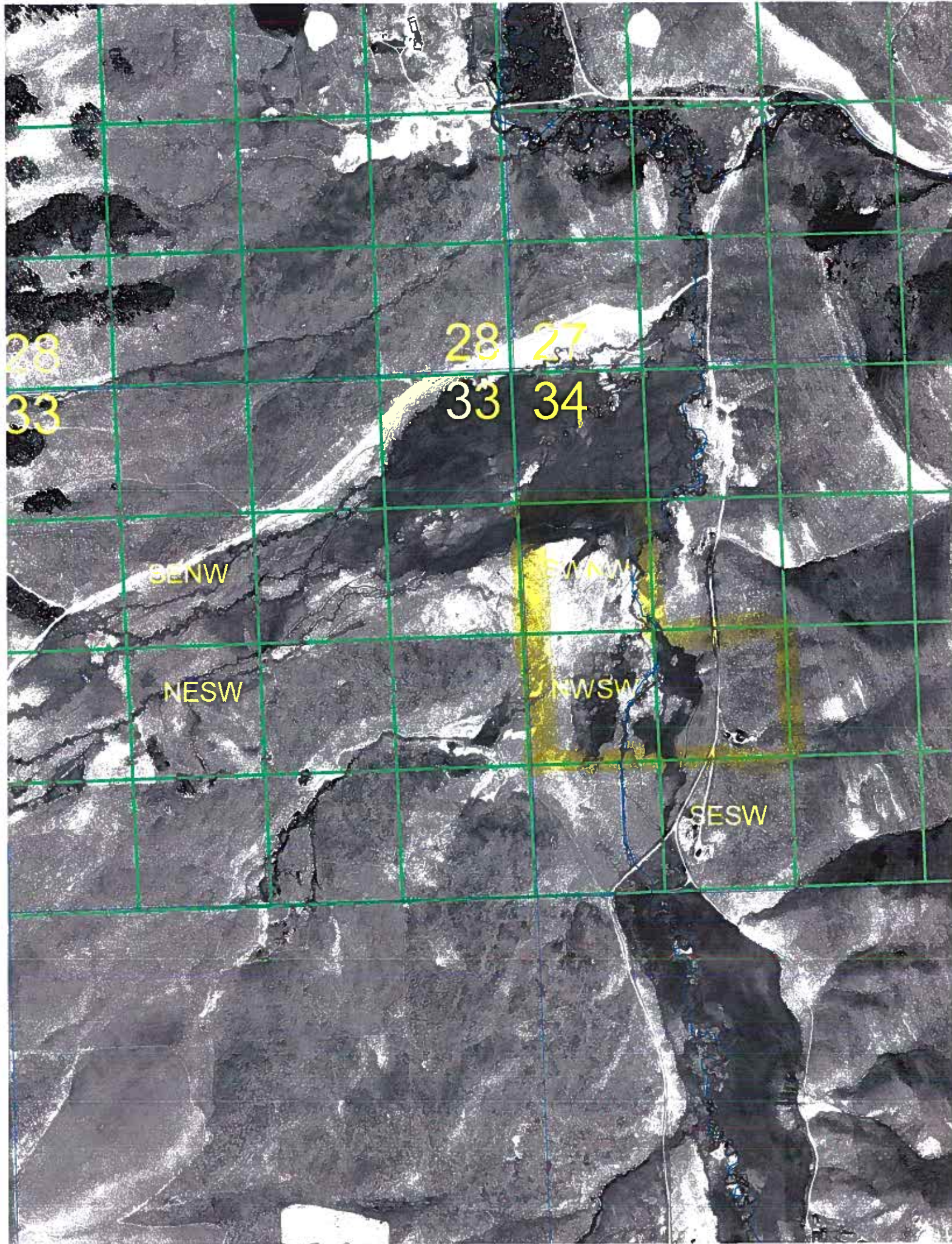
A-A-11

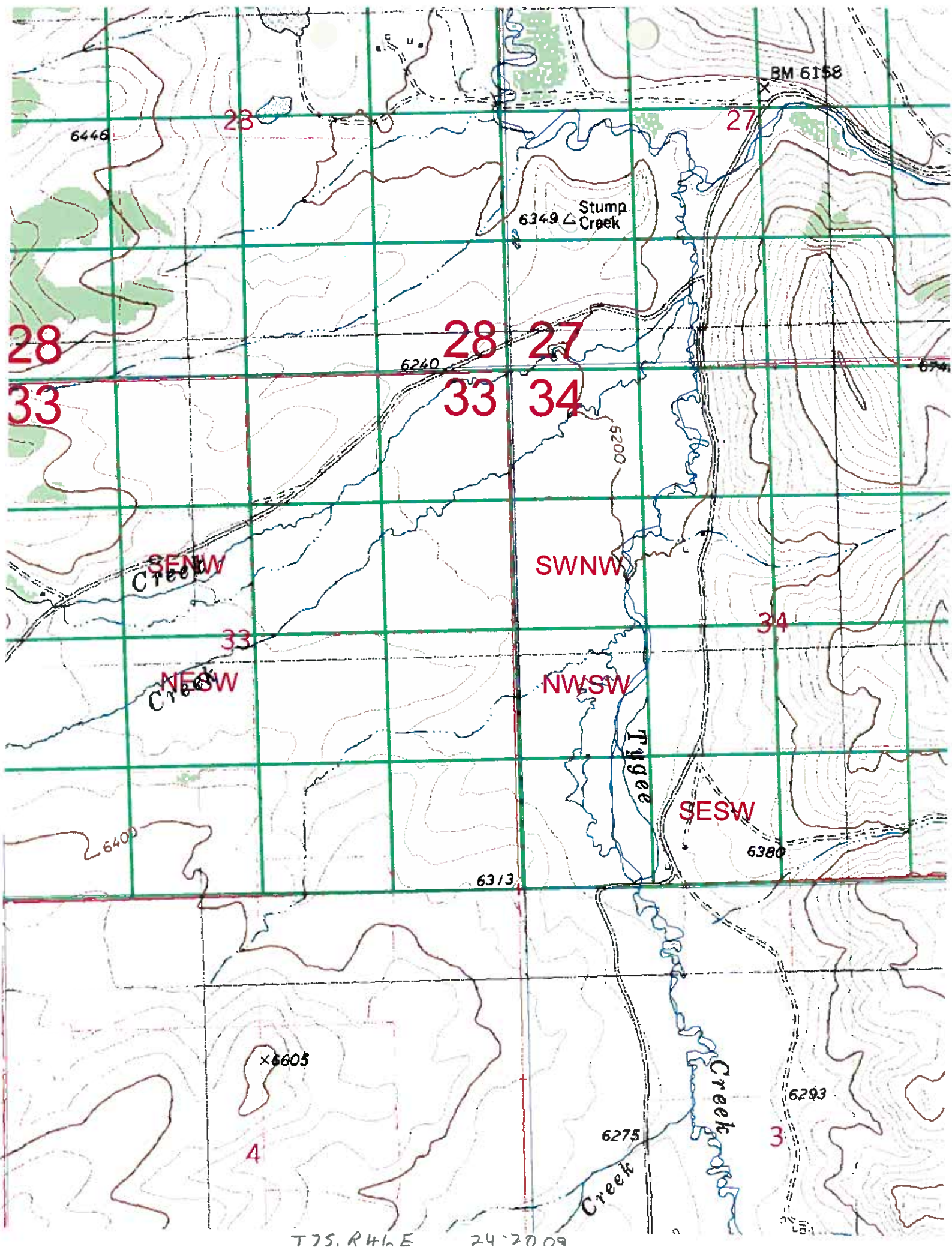
[illegible]

48. ANNUAL ASSESSMENT

Property	iCode	Appraised Value	19	19	19	19	19	19	19
Land	1.5 10	~~4060~~	4060	4060					
4 D3		~~895~~	895	850					
152 1.5 65		~~12048~~	12137	11530					
12 1.5 19		~~16440~~		16440					
	1.5	~~16968~~	17092						
	1.5								
	1.5								
Improvements	1.5 31	18200	18200	17290					
	1.5 58								
TOTAL	1.5	~~35168~~	35292	33730					

Listed By SK & RH 9/14/83	REMARKS <i>House noted on a Hooked Corp. 010 form bldgs - no value</i>	PURCHASE INFORMATION
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R. O. YOUNG

LEMBERG

A. W. JOHNSON

28

27

Stump

W. F. SINCLAIR

DR. G. W. WEST

HENRY C. RICHARDS

T. W. HORTSLEY

28

28

27

33

33

34

DON C. PETERSON

ANNE E. WELCHMAN

BERT JOHNSON

LEE PETERSON

SESW

GEORGE C. MILLER

SWSW

Spring

33

NESW

SOREN C. PETERSON

SOREN C. PETERSON

NWSW

34

Peters DR. G. WEST

Tygee Sch. Dt. 7

DON C. PETERSON

BERT JOHNSON

35.02

34.99

34.95

34.92

34.94

35.03

35.11

JOHN G. MILLER

SOREN C. PETERSON

4

SAM E. DRANEY

3

MARY J. MILLER

WARRANTY DEED

For Value Received

RAY E. PETERSON and SYLVIA E. PETERSON, husband and wife, residing at Tygee Valley, County of Caribou, State of Idaho, the Grantors, do hereby grant, bargain, sell and convey unto Ray E. Peterson, Sylvia E. Peterson and Brent T. Peterson, Trustees of the Ray E. and Sylvia E. Peterson Family Trust, c/o Ray E. Peterson Tygee Village, Caribou County, Idaho, Grantees, to hold in trust the following described premises, located in Caribou County, State of Idaho, to-wit:

PARCEL #1: Lot 2 of Section 4, in Township 8 South, Range 46 East of Boise Meridian.

PARCEL #2: A tract in the NW1/4NW1/4 of Section 34 as follows: Commencing at a point 40 rods East of the Northwest corner of said Section 34, and running thence South 10 rods; thence East 32 rods; thence North 10 rods; thence West 32 rods; to the point of beginning.

PARCEL #3: The Southwest quarter (SW1/4) and the S1/2 - NW1/4 of Section 34 in Township 7 South, Range 46 East of Boise Meridian.

Together with a decreed right to the waters of Tygee Creek allocating to this land 120 miners' inches of water with a priority of October 5, 1908; 35 miners' inches of water of Tygee Creek with a decreed priority of December 12, 1910; also all rights by usage to the waters of Webster Creek.

Excepting therefrom five (5) tracts of land described as follows, to-wit:

1. Commencing at a point 46 rods West of the Southeast corner of the NE1/4-SW1/4 of said Section 34, in said Township 7 South, Range 46 East of the Boise Meridian, and running thence Northeasterly 9 rods; thence North 46 rods; thence Northwesterly 10 rods; thence North 48 rods; thence Northeasterly 50 rods to a point on the north line of the SE1/4-NW1/4 of Section 34, and which said point is 30 rods West from the Northeast corner of the

said SE1/4-NW1/4 and running thence East 30 rods; thence South 160 rods to the Southeast Corner of the NE1/4-SW1/4 of said Section 34, and running thence West 46 rods to the place of beginning, and being a tract in Section 34 of Township 7 South of Range 46 East of the Boise Meridian.

2. That part of the NE1/4-SW1/4 of Section 34, T 7 S, R 46 E, Boise Meridian, Caribou County, Idaho, Being part of those tracts recorded in the Office of the Clerk of Caribou County in 58594 Microfilm and Book 11 of Deeds on Page 191, described as follows:

BEGINNING at a point on an existing road right-of-way fence, S 55°45.8 E, 2295.23 feet from the West one-quarter corner of said Section 34, found as described in the Certified Land Corner Recordation Certificate of record in the said Office; thence N00°24.1' E, 89.71 feet along said fence to a point; thence N 17°53.4' E, 98.86 feet along said fence to a point; thence N 03°24.4' E, 293.89 feet along said fence to a point, and leave said fence; thence S 81°29.2' E, 371.99 feet to a point; thence S 00°08.6' E, 417.36 feet to a point; thence S 89°49.2' W, 210.41 feet along an existing fence to a point; thence S 88°52.5' W, 207.03 feet along an existing fence to the POINT OF BEGINNING; ENCOMPASSING and are of 4.00 acres, more or less, each point marked by a steel T-shaped stake 24" long with a metal cap inscribed "PAUL N. SCHERBEL RLS164 SURVEY POINT"; it is certified that records on hand do not state the scope of the easement for the existing road abutting the foregoing tract; al in accordance with the plat prepared and to be filed titled "MEL TRAMP JOHN T. WEST PLAT OF TRACT IN THE NE1/4-SE1/4SECTION 34 T7S, R46E, BOISE MERIDIAN, CARIBOU COUNTY, IDAHO" as dated 11 June 1984, prepared by Surveyor Scherbel, Ltd.

3. Township 7 South, Range 46 East of the Boise Meridian; Section 34:

Beginning at the point of intersection of an existing county County Road, with the South line of said Section 34, which point is approximately 412.5 feet East of the Southwest corner of the SE1/4-SW1/4 of said Section 34, and Running thence East 130 feet; thence North 800 feet; thence West 300 feet; more or less, to the East line of the above mentioned County Road; Thence following the east right of way line of said road along its various courses and distances, to the point of beginning, and containing 5 acres, more or less.

4. Beginning at the South Quarter Corner of Section 34, Township 7 South, Range 46 East of the Boise Meridian, and running thence West 970 feet; thence North 33°15' West 180 feet; thence North 15°00' West 410 feet; thence North 7°30' West 195 feet; thence North 31°00' East 700 feet; thence East 820 feet; thence South 1320 feet to the point of beginning, EXCEPT THEREFROM that part thereof conveyed, or intended to be conveyed by Warranty Deed between the same parties, dated May 23, 1969, and recorded in the Microfilm Records of Caribou County, Idaho, under recorder's instrument No. 66493.

Together with all water and water rights thereunto appurtenant, however evidenced.

5. The following described premises, located in Caribou County, Idaho, to-wit: Township 7 South, Range 46 East of the Boise Meridian:

Section 34: A strip of land 60 feet wide, being 30 feet on each side of the following described center line of a road, being over and across the SW1/4 of said Section 34, more particularly described as follows:

Beginning at the Southwest corner of said Section 34, and running thence North 0°02'00" East 2642.56 feet, along the West boundary of said Section 34 to the quarter corner common to Sections 33 and 34; thence South 36°02'48" East 2445.08 feet to a point on the Westerly right of way fence of a county road, said point also being on a curve having a radius of 468.00 feet, a central angle of 18°12'20", a long chord of 148.08 feet and said point also being THE TRUE POINT OF BEGINNING; thence along said curve 145.72 feet on a chord that bears South 39°13'33" West 145.13

feet to a point; thence South 48°08'52" West 713.62 feet to a point; thence along a curve 41.75 feet on a chord bearing South 41°09'18" West 41.65 feet to a point that bears North 86°41'17" East from the Southwest corner of said Section 34 and is on the Northerly right of way fence of a county road and THE TERMINUS POINT, said curve having a radius of 171.04 feet, a central angle of 71°00'00" and a long chord of 198.65 feet.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, as Trustees of the Ray E. and Sylvia Peterson Family Trust. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that the property is free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 6th day of ^{December}~~September~~, 1992.

Ray E. Peterson
RAY E. PETERSON

Sylvia E. Peterson
SYLVIA E. PETERSON

STATE OF IDAHO)
) :ss
County of Caribou)

On this 6th day of ^{December}~~September~~, 1992, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RAY E. PETERSON and SYLVIA PETERSON, husband and wife, known to or identified by 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 first above written.

(SEAL)

Don Z. Howden
NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs
Commissions expires July 13, 1997

STATE OF IDAHO)
County of Bear Lake) ss.

On this 2nd day of November in the year of our Lord one thousand nine hundred and 45 before me, Levi Aland, Notary Public within and for said County and State personally appeared Edla Stoor Whitehead and Leon G. Whitehead personally known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

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

Levi Aland
Levi Aland, Notary Public
Montpelier, Idaho
My Commission Expires December 15, 1945

Seal

At request of Emil Stoor
November 24th, 1945, at 10:20 A.M.
Fee \$1.20

Recorder

- - - - -

Instrument #22644

THIS INDENTURE, Made this 15th day of October in the year of our Lord one thousand nine hundred and fortyfive, between Joseph Lee Peterson and wife, Frances May Peterson of County of Cache, State of Utah, the parties of the first part, and Ray E. Peterson and wife, Sylvia E. Peterson of County of _____, State of Wyoming, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One 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

assigns forever, all the following described real estate, situated in Caribou County, State of Idaho, to-wit:

Lot 2, Lot 3 and Lot 4 and the S $\frac{1}{2}$ -NW $\frac{1}{4}$ and the N $\frac{1}{2}$ -SW $\frac{1}{4}$ of Section 4, in Township 8 South, Range 46 East of the Boise Meridian, and ALSO

The S $\frac{1}{2}$ -NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of Section 33; the W $\frac{1}{2}$ -SW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$ and S $\frac{1}{2}$ -NW $\frac{1}{4}$ of Section 34 and a tract in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 34 described as follows: Commencing at a point 40 rods East of the Northwest corner of said Section 34, and running thence South 10 rods; thence East 32 rods; thence North 10 rods; thence West 32 rods; to the place of beginning; All situated in Township 7 South of Range 46 East of the Boise Meridian, EXCEPTING THEREFROM TWO TRACTS of land described as follows, to-wit: 1- Commencing at a point 27 rods south of the Northwest corner of the NW $\frac{1}{4}$ -SW $\frac{1}{4}$ of said Section 33 in said Township 7 South, Range 46 East of the Boise Meridian, and running thence in a Northeasterly direction along the foot-hills to a point 11 rods south of the southeast corner of said NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of said Section 33, and running thence North 11 rods; thence West 160 rods; thence South 107 rods to the place of beginning and being a Tract of land situated in Section 33, Township 7 South, Range 46 East of the Boise Meridian.

2- Commencing at a point 46 rods west of the Southeast corner of the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ of said Section 34, in said Township 7 South, Range 46 East of the Boise Meridian, and running thence Northeasterly 9 rods; thence North 46 rods; thence Northwesterly 10 rods; thence North 48 rods thence Northeasterly 50 rods to a point on the north line of the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 34, and which said point is 30 rods west from the Northeast corner of the said SE $\frac{1}{4}$ -NW $\frac{1}{4}$ and running thence East 30 rods; thence South 160 rods to the Southeast Corner of the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ of said Section 34, and running thence West 46 rods to the place of beginning, and being a TRACT IN section 34 of Township 7 South of Range 46 East of the Boise Meridian.

Together with a decreed right to the waters of Tygee Creek allocating to this land 120 miners' inches of water with a priority of October 5, 1908; 35 miners' inches of water of Tygee Creek with a decreed priority of December 12, 1910; 25 inches of the waters of Spring Creek with a right by usage since 1910; also all rights by usage to the waters of Webster Creek.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the 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 part of the first part, and their heirs, 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 said parties of the first part have herunto set their hand and seals the day and year first above written.

Signed, Sealed and Delivered in
Presence of J. T. Smith

Joseph Lee Peterson (Seal)
Frances May Peterson (Seal)

STATE OF UTAH)
 : SS
County of Cache)

On this 15th day of October in the year 1945, before me J. T. Smith a Notary

Public in and for said State, personally appeared Joseph Lee Peterson and wife, Frances May Peterson 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.

(\$6.60 I. R. Stamps affixed and Cancelled)

J. T. Smith,
Notary Public for the State of Utah
Residing at Logan, Utah
My Commission expires: May 8, 1949

Seal

At request of Caribou Co. Abstract Co.
November 24th, 1945, at 11:40 A.M.
Fee \$1.60

Calvin Hunter
Recorder

Instrument #22651

WARRANTY DEED

THIS INDENTURE, Made this El hteenth (18th) day of July in the year of our Lord One Thousand Nine Hundred and forty-five, between William L. Miller and Lucille E. Miller, his wife of Nashville, County of Davidson, State of Tennessee the parties of the first part, and Louise Vollweiler 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 Twelve Thousand and No/100ths (\$12,000.00) 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 Con-

Idaho = 50"
1 CFS

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 24-2009

WATER RIGHT NUMBER: 24-2009

Owner Type Name and Address
Current Owner SAM WEBSTER - EARLY Settler
AUBURN, WY

Priority Date: 10/05/1908

Basis: License

Status: Active

Source Tributary
TYGEE CREEK STUMP CREEK
WEBSTER CREEK SPRING CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	2.400 CFS	
<u>Total Diversion:</u>		2.400 CFS	

Location of Point(s) of Diversion

OK WEBSTER CREEK	NE1/4SW1/4	Sec. 33, Twp 07S, Rge 46E, B.M.
CARIBOU County		
NO WEBSTER CREEK	SW1/4SW1/4	Sec. 4, Twp 07S, Rge 46E, B.M.
CARIBOU County		
OK TYGEE CREEK	SE1/4SW1/4	Sec. 34, Twp 07S, Rge 46E, B.M.
CARIBOU County		
OK WEBSTER CREEK	SE1/4NW1/4	Sec. 33, Twp 07S, Rge 46E, B.M.
CARIBOU County		

Place of Use

IRRIGATION

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	34							40.0		40.0	40.0							120.0

Total Acres: 120

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. SOURCE OF TAGGEE CREEK DESCRIBED BY USGS QUAD AS TYGEE CREEK.

Remarks: