

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: 24-10719

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):

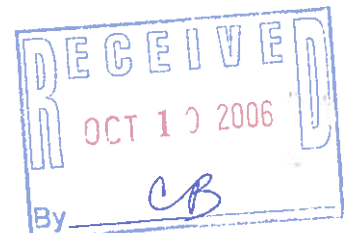
2. Describe the changes you wish to make in the proposed recommendation:

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: 10-8-06 SIGNATURE: Brent T. Peterson  
Please print your name: Brent T. Peterson

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



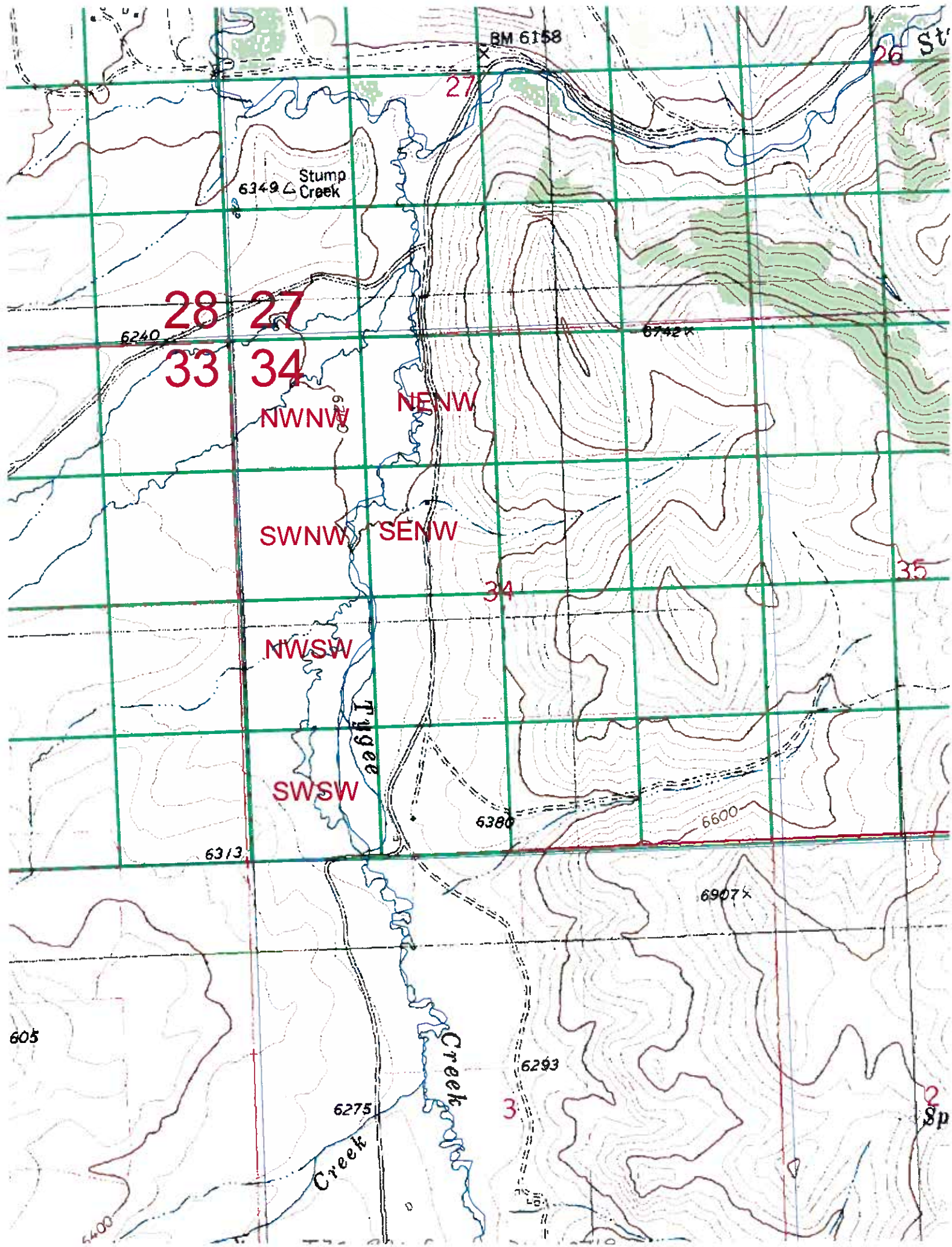
## Notes

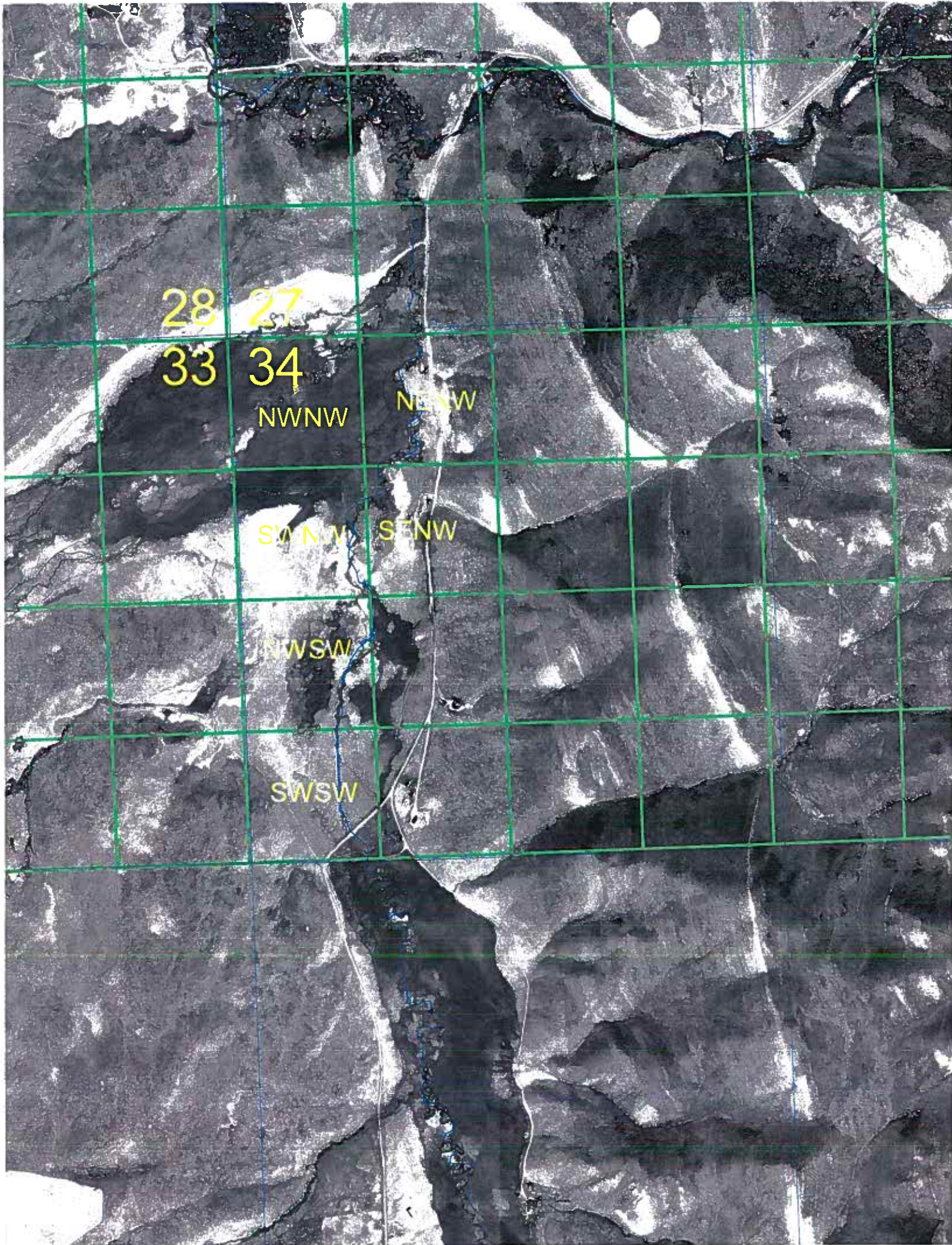
3-3-06 Address to F.I. & SS. BP

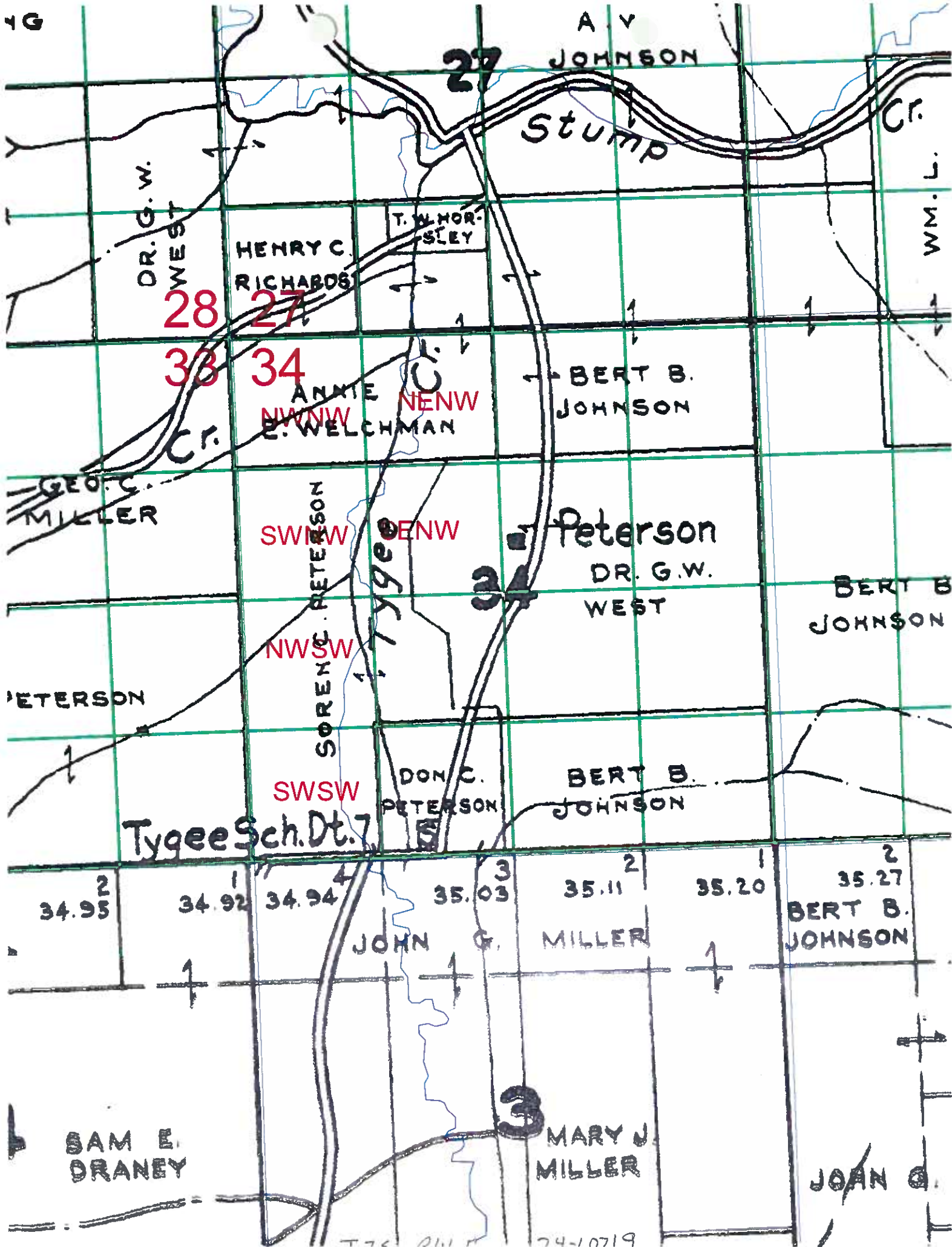
3-30-06 maps. BP

4-5-06 Address. County info. BP









## 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; all 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 6<sup>th</sup> day of <sup>December</sup>~~September~~, 1992.

Ray E. Peterson  
RAY E. PETERSON

Sylvia E. Peterson  
SYLVIA E. PETERSON

STATE OF IDAHO            )  
                                  ) :ss  
County of Caribou        )

On this 6<sup>th</sup> day of <sup>December</sup>~~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 E. Henderson  
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.

Seal

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

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

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

11-15-1945

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 $\frac{1}{2}$ -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. Stamp 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

*John Hunter*

Recorder

Instrument #22651

WARRANTY DEED

THIS INDENTURE, Made this Eleventh (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:

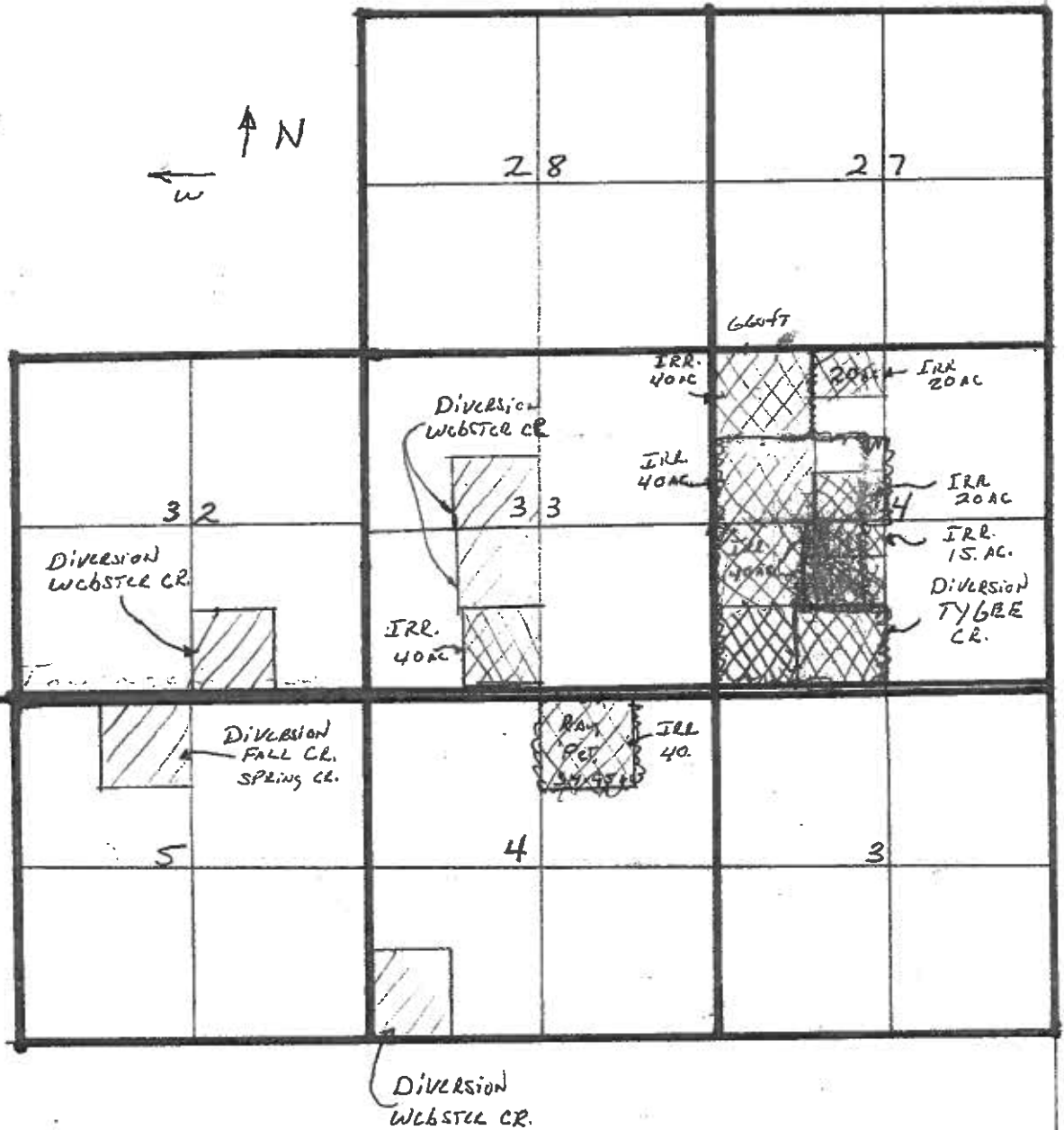
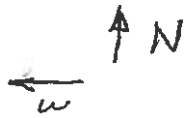
WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Twelve Thousand and No/100ths (\$12,000.00) Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Co

1/15/06  
Don R. Ayels

ROY E. & SYLVIA E. PETERSON FAMILY TRUST

50"  
ft3

T7S-R46E P-43



5-R46E-P-33

# Idaho Department of Water Resources Receipt

Receipt ID B000008

Payment Amount \$395.00 Date Received 3/1/2006 3:29:35 PM Region Soda Springs Status   
Payment Type Check Check Number 3081

Payer RAY E. & SYLVIA PETERSON FAMILY TRUST

Comment 24-2009 \$155, 24-10719 \$25, 24-10720 \$125, AND 24-10721 \$90.00

## Fee Detail

| Amount          | Description                    | Fund        | FD           | PCA         | SO |
|-----------------|--------------------------------|-------------|--------------|-------------|----|
| <u>\$395.00</u> | <u>ADJUDICATION FILING FEE</u> | <u>0337</u> | <u>43503</u> | <u>1155</u> |    |

Cindy C Bird  
Signature Line (Dept. Representative)

08/02/2006

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

RIGHT NUMBER: 24-10719

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

SOURCE: TYGEE CREEK                      TRIBUTARY: STUMP CREEK  
WEBSTER CREEK                      TRIBUTARY: SPRING CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/05/1908

POINT OF DIVERSION:

T07S R46E S34 NWNENW End of Stream Flow Within CARIBOU County  
T07S R46E S34 NENWNW Within CARIBOU County  
T07S R46E S34 SESWSW Begin of Stream Flow Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01/01 12/31          | 0.020 CFS       |

PLACE OF USE: STOCKWATER Within CARIBOU County

|               |      |               |      |
|---------------|------|---------------|------|
| T07S R46E S34 | NENW | T07S R46E S34 | NWNW |
| T07S R46E S34 | SWNW | T07S R46E S34 | SENW |
| T07S R46E S34 | NWSW | T07S R46E S34 | SWSW |

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

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 24-10719  
Date Received: 3/1/2006  
Receipt No: B000008  
Received By: CB #25.00

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: TYGEE CREEK, WEBSTER CREEK Trib. to: STUMP CREEK, TYGEE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County  | Type            |
|----------|-------|---------|-----------------------|----|----|---------|-----------------|
| 07S      | 46E   | 34      | SE                    | SW | SW | CARIBOU | Beginning Point |
| 07S      | 46E   | 34      | NW                    | NE | NW | CARIBOU | Ending Point    |
| 07S      | 46E   | 34      | NW                    | NE | NW | CARIBOU | Ending Point    |
| 07S      | 46E   | 34      | SW                    | NW | NW | CARIBOU | Beginning Point |

5. Description of diverting works:

IN-STREAM STOCKWATERING

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| STOCKWATER | 01/01 | 12/31 | 0.02   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use        | Acres |
|----------|-------|---------|-----|--------|-----|------------|-------|
| 07S      | 46E   | 34      | NW  | NW     |     | STOCKWATER |       |
|          |       |         | NE  | NW     |     | STOCKWATER |       |
|          |       |         | SW  | NW     |     | STOCKWATER |       |
|          |       |         | SE  | NW     |     | STOCKWATER |       |
|          |       |         | NW  | SW     |     | STOCKWATER |       |
|          |       |         | SW  | SW     |     | STOCKWATER |       |

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:  
100 HEAD OF COWS

15. Basis of Claim: Beneficial Use

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 \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

**For Organizations:**

I do solemnly swear or affirm that I am Trustee of  
Ray E. & Sylvia E. Family  
Trust Title  
Organization, that I have signed the foregoing

document, in the space below as Trustee of  
Ray E. & Sylvia E. Family 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 Dannock ) SS.

Subscribed and sworn (or affirmed) before me this 1<sup>st</sup> day of March, 2006

Cindy E. Bird

Notary Public

Cindy E. Bird

Residing at Lava Hot Springs

My commission Expires May 1, 2007

