

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 77-14224

Name and Address: DONNA L PETERSON
9091 BROOKVIEW CT
BOISE, ID 83709

Source: WHISKEY CREEK Tributary: SINKS

Quantity: .04 CFS

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

Priority Date: 07-01-1970

Diversion Point: T19N R07E S26 SWSENE Within Valley County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	01-01 TO 12-31	.04 CFS

Place of Use: Domestic Within Valley County
T19N R07E S26 NESE

need to add this
Place of use is more precisely in the NENESE Section 26. *per*

Other Provisions Necessary for Definition / 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.

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

Explanatory Material: Basis of Claim - Beneficial Use

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

In Re SRBA

)

Subcase No. 77-14224

)

Case No. 39576

)

Standard Form 5

)

)

**STIPULATED ELEMENTS
OF A WATER RIGHT**

)

)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Donna L Peterson

OBJECTOR:

United States on behalf of the
USDA Forest Service

William D. Collins

Date

David L. Negri

Date

IDWR CONCURRENCE:


Kenneth Knoblock

Date

ATTORNEY FOR IDWR:

Chris M Bromley

Date

CERTIFICATE OF MAILING

I certify that on March __, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copy to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase (insert names and addresses here):

Donna L Peterson
C/O William D. Collins
Westberg, McCabe & Collins, CTD.
P.O. Box 2836
Boise, ID 83701-2836

Signature of person mailing documents

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 77-14224

Name and Address: DONNA L PETERSON
9091 BROOKVIEW CT
BOISE, ID 83709

Source: WHISKEY CREEK Tributary: SINKS

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13,000 gallons per day.

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Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	01-01 TO 12-31	.04 CFS

Place of Use: Domestic Within Valley County
T19N R07E S26 ~~NESE~~
NENESE

Other Provisions Necessary for Definition / 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.

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not a determination of historical beneficial use.

Explanatory Material: Basis of Claim - Beneficial Use

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

RIGHT NUMBER: 77-14222

NAME AND ADDRESS: WARREN TOWNSITE
C/O DALE BITNER
PO BOX 62
MIDVALE ID 83645

SOURCE: SLAUGHTER CREEK

TRIBUTARY: WARREN CREEK

QUANTITY: 3.000 CFS

PRIORITY DATE: 07/03/1913

POINT OF DIVERSION:

~~T22N R06E S12 SWNE Lot 6 Within IDAHO County~~

T22N R06E S12 SENE Within IDAHO County

Diversion point is on private land known as Mineral Survey 1807 - Slaughter Creek Placer.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.250 CFS
FIRE PROTECTION	01/01 12/31	3.000 CFS

PLACE OF USE:

DOMESTIC in IDAHO County

T22N R06E S11	NENE	T22N R06E S11	SENE
~~T22N R06E S12 Lot 4 SWNW~~		~~T22N R06E S12 Lot 5 SENW~~	
~~T22N R06E S12~~	~~NESW~~	~~T22N R06E S12~~	~~NWSW~~
<u>T22N R06E S12</u>	<u>SWNW</u>	<u>T22N R06E S12</u>	<u>SENW</u>

FIRE PROTECTION same as DOMESTIC

Places of use are on private land, S11 in the Warren Townsite Block 9 Lots 1-13, Block 10 Lots 1-11 and Block 11 Lots 1-7; S12 part of Mineral Survey 1893 known as the Virginia Subdivision Lots 1-18.
Places of use do not include any federal land.

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 -

RECEIVED
AUG 01 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase: _77-14224 _
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 334-1936

Name and Address of Attorney, if any:

David L Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Donna L Peterson
Address: 9091 Brookview Ct
Boise, ID 83709

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: See E below.
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Places of Use**
Should be: See E below.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The point of diversion in the SWSENE of Section 26, T19N, R7E shown in the Directors Report recommendation is on National Forest System (NFS) land. The place of use in the NESE of Section 26 is approximately 75% NFS land. The recommendation needs to include a provision that the place of use does not involve any NFS land.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

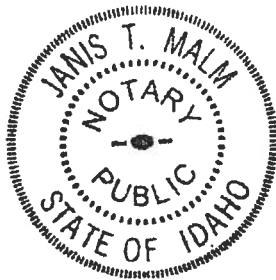
Steve Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Steven M. Spencer
(Signature of person filing objections)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 26, 2006
Janis T. Malm



Notary Public for:
Residing at: Boise, Idaho
Commission Expires: 09/09/2008

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on JUL 28 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

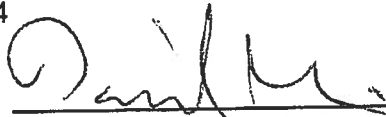
Name: Donna L Peterson
Address: 9091 Brookbiew Ct
Boise, ID 83709

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

RECEIVED
AUG 07 2006
IDWR/North

FAX
(208) 336-2121
TELEPHONE
(208) 336-5200

August 4, 2006

~~Steven M. Spencer
Supervisory Range Conservationist
Boise Adjudication Team
161 E. Mallard, Ste 110
Boise, ID 83706~~

Re: Water Right No. 77-14224, Donna L. Peterson

Dear Mr. Spencer:

This letter is to confirm my telephone conversation with you yesterday. I represent Donna L. Peterson. She received from you a standard form objection on behalf of the Forest Service raising two issues, the point of diversion and place of use.

The point of diversion is on National Forest Land. As you know, she has a Special Use Permit for that point of diversion.

The second objection related to the place of use. The Department in its recommended finding simply stated that the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T.19N., R.7E., B.M., Valley County, Idaho. You were concerned because only ten acres of this 40-acre parcel is in private ownership. Ms. Peterson's place of use would be more accurately defined as lying within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of that Section.

In our conversation you stated that the Forest Service was not concerned particularly about the point of diversion as being on Forest Service land since the Special Use Permit had been obtained. The matter can be resolved by simply defining the place of use as being that fractional section which is private ownership or by simply stating that the place of use would not include land owned by the United States. I would prefer the former rather than the latter.

You stated that you would be contacting Kenneth Knoblock in approximately 60 days to make these modifications and will then be back in touch with me. On that basis, I am not going to

Steven M. Spencer
August 4, 2006
Page 2

file a Notice of Appearance but am forwarding a copy of this letter to Mr. Knoblock so that he can place it in his file.

I assume that this matter will be resolved by stipulation. You can go ahead and forward the stipulation to me for Ms. Peterson's signature. I will procure it and return the stipulation for execution by the other persons involved.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs
cc: Donna L. Peterson
✓ Kenneth Knoblock



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2006

Donna Peterson
9091 Brookview Court
Boise, ID 83709

RE: 77-14224

Dear Ms. Peterson:

We have assigned your Notice of Claim to a Water Right an identification number of 77-14224. A copy of the preliminary recommendation is enclosed. The recommendation will be sent to the Court shortly so if you notice an error please notify us as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Knoblock', written over a horizontal line.

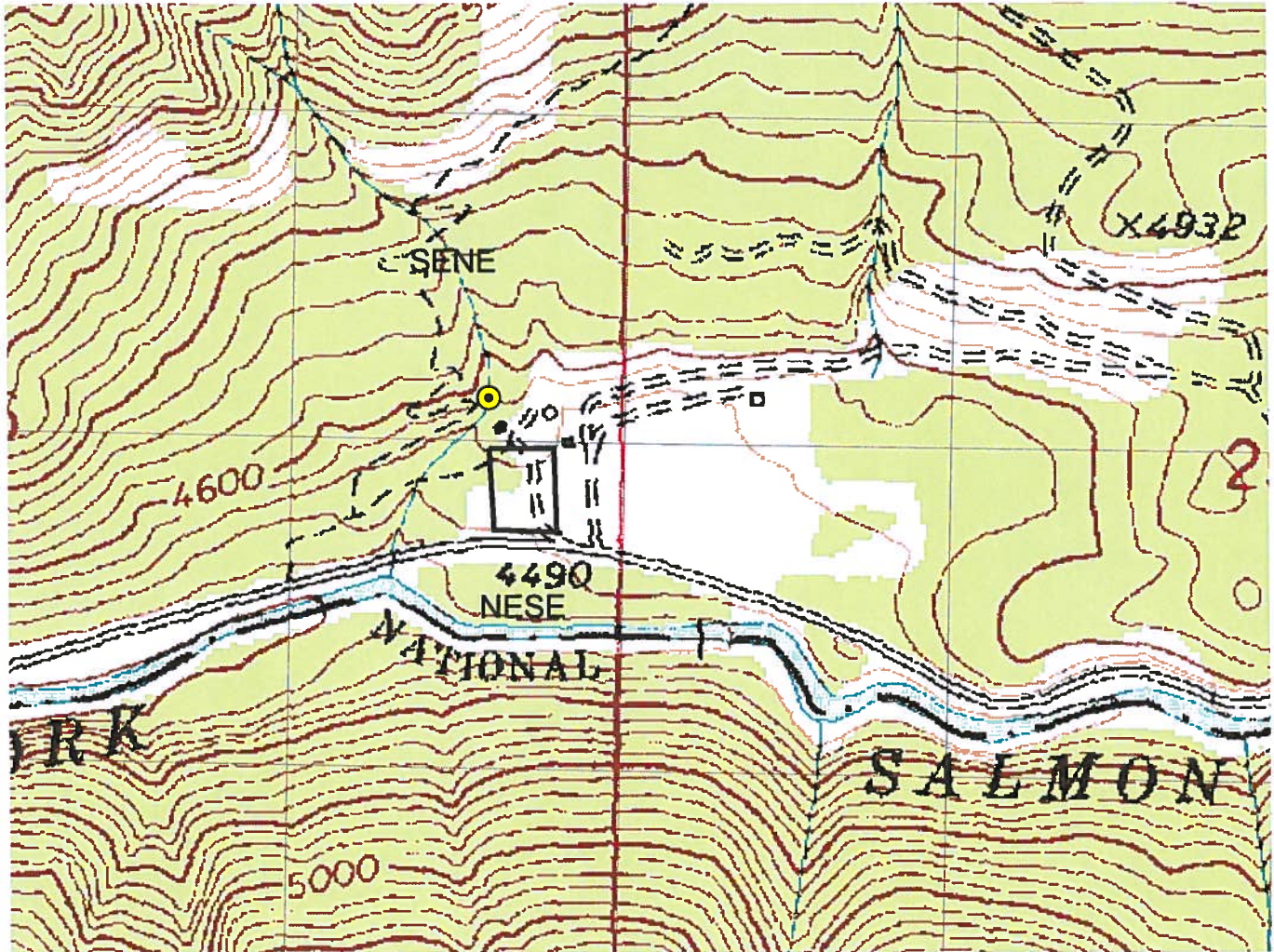
Kenneth Knoblock
Water Resources Agent

Cc: William D. Collins

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-14224



0 500 1000 Feet

Section 26
T19N R7E



● Point of Diversion

□ Place of Use

Map prepared on March 1, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 77-14224
Date Received: 2/23/2006
Receipt No: W033884
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DONNA L PETERSON Phone: (208)377-0702
9091 BROOKVIEW CT
BOISE ID USA 83709

RECEIVED
MAR 01 2006
IDWR/North

2. Date of Priority: 07/01/1970

3. Source: WHISKEY CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
19N	07E	26	SW SE NE	VALLEY	

5. Description of diverting works:

Headgate in creek and two inch pipeline 300 feet in length to residence.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	07E	26	NE	SE	DOMESTIC	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

Place of use is on land administered by USFS. See attached Special Use Permit.

15. Basis of Claim: Beneficial Use

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

Identification No. A77-14224
Date Received 2-23-06 *sk*
Receipt Number W033884

RECEIVED
FEB 23 2006
WATER RESOURCES
WESTERN REGION

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Donna L. Peterson Phone (208) 377-0702
Mailing Address 9091 Brookview Court, Boise, ID Zip 83709
2. Date of Priority (Only one per claim) July 1, 1970 Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other (X) (a) Intermittent Stream (Whiskey Cr.)
Name or kind of source
which is tributary to (b) Sinks (In East Fork of the South Fork of the Salmon River drainage)
4. Location of point of diversion is: Township 19N Range 7E
Section 26, SW 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of Valley
Additional points of diversion if any: None
5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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 in creek and 2 inch pipeline 300 feet in length to residence
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from Jan 1 ^{Month/Day} to Dec 31 ^{Month/Day} amount _____ (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed 0.04 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Single Family Residence

10. Place of use is: Township: 19N Range 7E

Section 26, NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of Valley for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any None

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

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.
None

14. Remarks: Place of use is on land administered by USFS. See attached Special Use

Permit. Attachments: Affidavit of John L. Lucque, USGS 7.5 min map, Record of Survey and
Special Use Permit

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 one

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date Feb. 23, 2006

William D. Collins,
Attorney for Donna L. Peterson Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Boise) SS.

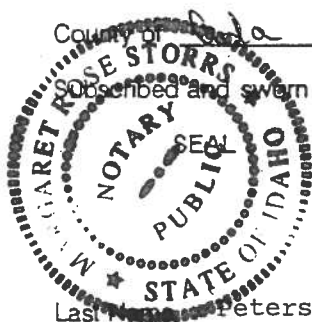
Subscribed and sworn (or affirmed) before me this 23rd day of February 2006

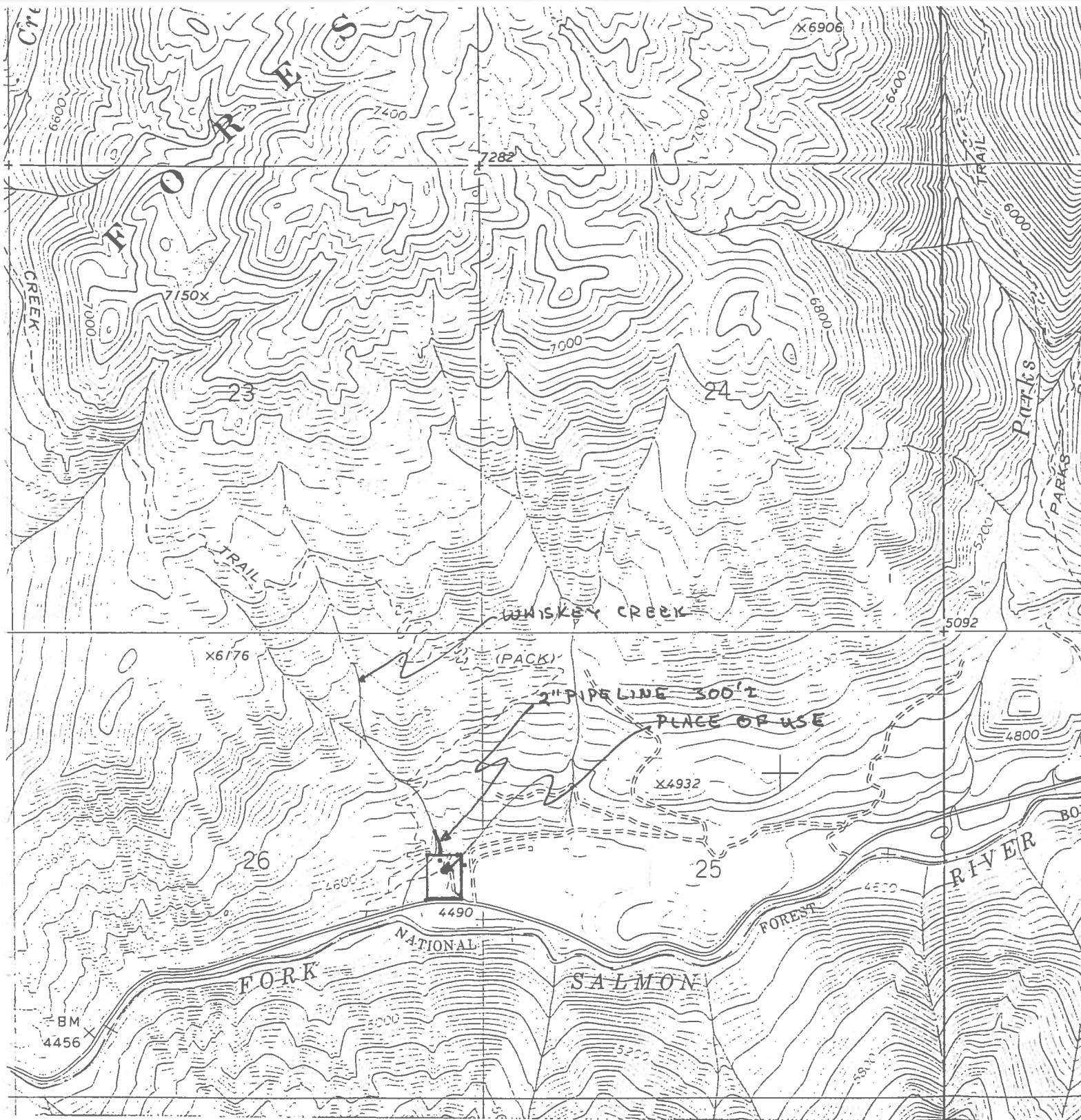
Notary Public for State of Idaho

Residing at Boise, ID

My Commission Expires 05/14/2010

Last Name Peterson Ident No. _____





CLAIMANT: DONNA L. PETERSON

WHISKY CREEK

NE1/4NE1/4SE1/4 of Section 26
and
N1/2NW1/4SW1/4 of Section 25

T. 19 N., R. 7 E., B.M., Valley County, Idaho

2" Pipe, 300' ±

Scale 1" = 100'

Legend

- Found Aluminum Pipe or Brass Cop Monument
See Bk. 1 of Surveys, Pg. 35, records of Valley County
- Set 5/8 inch rebar

NFSL National Forest System Lands

CURVE		TABLE	
CURVE	LENGTH	RADIUS	CHORD
C1	357.37	1490.66	356.51
C2	351.51	1440.66	350.60
C3	116.67	1214.18	116.63
C4	122.75	1165.18	122.69
C5	140.70	1244.18	140.63
C6	118.09	1164.18	118.04

I do have to certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direction, and that this map is an accurate representation of said survey.

Robert W. Fodman, P.L.S. 5616

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	357.37	1490.66	356.51	S87°46'15"W
C2	351.51	1410.66	350.60	S87°30'01"W
C3	116.67	1244.18	116.63	N87°40'30"W
C4	122.75	1164.18	122.69	N87°20'27"W
C5	140.70	1244.18	140.63	N76°44'53"W
C6	116.09	1164.18	116.04	N76°24'51"W

Fodrea Land Surveys, Inc.
(209) 382-1902
Date: November, 2000
P.O. Box 189
105 N. Main St.
Cascadia, Idaho 83611
Job Number: 2029

(208) 382-4902
Date: November, 2000

P.O. Box 189
105 N. Main St.
Cascade, Idaho 83611
Job Number: 2029

CLAIMANT: DONNA L. PETERSON

USDA FOREST SERVICE
BILL FOR COLLECTION

1. BILL DATE: 12/01/2004

PAGE: 1 OF 1

ENCLOSE A COPY OF THIS BILL WITH YOUR CHECK OR MONEY ORDER.
DO NOT SEND CASH. PLEASE INCLUDE BILL NO. AND PAYER CODE
ON YOUR CHECK.
MAKE YOUR CHECK PAYABLE TO:

USDA FOREST SERVICE

TO: DONNA L. PETERSON
9091 BROOKVIEW CT
BOISE

ID 83709-

MAIL PAYMENT TO:

USDA FOREST SERVICE, COLLECTION OFFICER
INTERMOUNTAIN REGION 0412
PO BOX 60,000 FILE NO. 71652
SAN FRANCISCO, CA 94160-1652

PAYER INDICATE
AMOUNT ENCLOSED: \$

2. NET AMOUNT DUE: \$45.00

3. DUE DATE: 01/01/2005

4. BILL NUMBER BF 041204F0041

5. PAYER CODE: MISC C

7. DESCRIPTION:

9. PRINCIPAL: \$45.00

10. INTEREST:

11. ADMINISTRATIVE COSTS:

12. PENALTY:

13. AMOUNT DUE: \$45.00

14. AMOUNT CREDITED:

15. NET AMOUNT DUE: \$45.00

AGREEMENT NO:

CONTRACT NO:

REMARKS:

FAILURE TO PAY FEES BY DUE DATE CONSTITUTES NON-COMPLIANCE
WITH AUTHORIZATION.

PLEASE CONTACT JILL KEMP AT 208-634-0446 IF YOU HAVE ANY
QUESTIONS.

NOTE:
PLEASE SEND ALL CORRESPONDENCE, INQUIRIES, AND CHANGE OF ADDRESS TO:

PAYETTE NATIONAL FOREST
MCCALL RANGER DISTRICT
PO BOX 1026
MCCALL, ID 83638

(208) 634-0400

FAILURE TO MAKE PAYMENT BY DUE DATE WILL RESULT IN THE
ASSESSMENT OF LATE PAYMENT CHARGES (INTEREST, ADMINISTRATIVE COST,
AND/OR PENALTY CHARGES) IN ACCORDANCE WITH YOUR CONTRACT, PERMIT,
OR THE DEBT COLLECTION ACT OF 1982, AS AMENDED. POSTMARKS ARE NOT HONORED.

DATE/PERIOD	DESCRIPTION	AMOUNT
01/01/2005 To	2720 SPECIAL USES KRL522301 Krassel Ranger District	45.00
12/31/2005	915 WATER TRANS PIPELINE < 12" D	
	ISSUED: 03/16/1995 REFERENCE: DOMESTIC WATER SYSTEM	

AMOUNT
\$45.00

Mailed from

USDA

Forest Service

Payette National Forest

PO Box 1026

McCall Id 83638

PD 12/08/05

15. ORG	17. JOB	18. AMOUNT	16. ORG	17. JOB	18. AMOUNT
0412	89831105	\$45.00			

CLAIMANT: DONNA L. PETERSON

Feb. 1. 2006 11:33AM

Westberg McCabe & Collins, Ctd.

No.0995 P. 2

AFFIDAVIT

STATE OF IDAHO)
) ss
County of)

JOHN L. LUCQUE, being first duly sworn on oath deposes and states as follows:

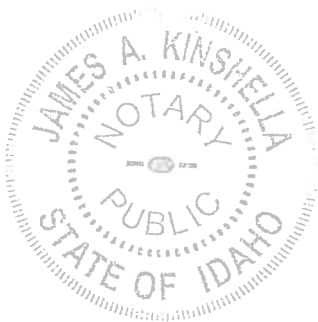
1. I am one of the grantees along with my family members named in the Deed dated July 31, 1970, which is attached hereto as Exhibit A. The real property contains approximately 3.36 acres and included "sufficient water from Whiskey Creek for domestic use".

2. Whiskey Creek is the local name for an unnamed stream which lies just west of the real property described in the Deed. We built our residence on the real property and laid a 2" pipeline from Whiskey Creek to our residence. The pipeline was approximately 300' in length and connected to the residence. We diverted and used the water from Whiskey Creek through out each year for domestic use on the real property beginning the month of July, 1970 and continuously thereafter until we sold the real property to Donna L. Peterson in December, 1993. A copy of the Deed whereby the real property was conveyed to Donna L. Peterson is attached as Exhibit B.

Dated this 16TH day of February, 2006

John L. Lucque
John L. Lucque

SUBSCRIBED AND SWORN to before me this 16TH day of February, 2006



[Signature]
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/5/2006

AFFIDAVIT - 1

CLAIMANT: DONNA L. PETERSON

Feb. 1. 2006 11:33AM

Westberg McCabe & Collins, Ctd.

No.0995 P. 4

THIS INDENTURE, Made this 31st day of July
 In the year of our Lord one thousand nine hundred and Seventy (1970), between
 JULIO J. FIGUEROA and ANNE FIGUEROA, husband and wife,
 of Emmett County of Gem State of Idaho
 the part 1st of the first part, and
 JACK ROST and KAREN ROST, husband and wife; PAUL WORRELL and MARTIANNE
 WORRELL, husband and wife; JOHN L. LUQUE and GENEVIEVE LUQUE, husband
 and wife; JOHN D. LUQUE; BRETT LUQUE
 of Boise County of Ada State of Idaho

the part 1st of the second part, WITNESSETH:

That the said part 1st of the first part, for and in consideration of the sum of
 Ten and No/100 (\$10.00) and other valuable consideration-----DOLLARS,
 lawful money of the United States of America, to them in hand paid by the said
 part 1st of the second part, the receipt whereof is hereby acknowledged, he has granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all the following described real estate,
 situated in the County of Valley, State of Idaho, to-wit:

Starting 320 feet West (on 1/2 Section line) from 1/4 corner common to
 Sections 25 and 26, Twp. 19 N., R. 7 E.B.M., Valley County, Idaho;
 run
 South 345 feet to the North side of U.S.F.S. road right of way; thence
 South 73 21' West along said right of way 356.9 feet more or less to
 the West line of the NE 1/4 NE 1/4 of SE 1/4, Section 26, Twp. 19 N., R. 7
 E.B.M., thence
 North 430 feet; thence
 East 340 feet to the true point of beginning.
 Containing 3.36 acres, more or less.
 Subject to easements and rights of ways.
 Including sufficient water from Whiskey Creek for domestic use of the
 premises being conveyed. No warranties are made as to water rights,
 in Whiskey Creek or otherwise, and said grantees have purchased the
 property based upon their own investigation of water facilities and
 the necessity of reaching an independent or separate water agreement
 with grantors as to water supplies and water facilities.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto
 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 part 1st of the second part, and to their heirs and assigns
 forever, and the said part 1st of the first part, and their heirs, the said premises in the quiet and
 peaceable possession of the said part 1st of the second part, their heirs and assigns, against the
 said part 1st 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 hereunto set their hands and seals the day and year above written.

SIGNED, SEALED AND DELIVERED BY THE PRESENCE OF

STATE OF IDAHO,

County of _____

On this 31st day of July in the year 1970, before me,
 the undersigned _____, a Notary Public

in and for said State personally appeared JULIO J. EIGUREN and ANNE EIGUREN,
 husband and wife,
 known to me to be the persons whose names are subscribed to the within instrument,
 and acknowledged to me that they executed the same.

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

 Notary Public for the State of Idaho
 Residing at Emmett, Idaho

73054

WARRANTY DEED

-10-

Dated _____, 19____

STATE OF IDAHO,

County of _____

I hereby certify that this instrument was
 filed for record at _____, Idaho, on _____ day
 of _____, A.D. 19____

In my office, and duly recorded in Book _____
 of _____, at page _____

Filed _____
 Notary Public

By _____, Deputy.

Fee, \$ 2.00

Made to _____

EXHIBIT A

200702
12/17/93

WARRANTY DEED

For Value Received, John L. Luque and Genevieve A. Luque who took title as Genevieve Luque, husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Donna L. Peterson, an unmarried woman

whose address is: 9091 Brookview Ct., Boise, Id. 83709

the grantee, the following described premises, to-wit:

Situate in Valley County, Idaho:

Starting 320 feet West (on 1/4 Section Line) from 1/4 corner common to Sections 25 and 26, Township 19 North, Range 7 East, B.M., Valley County, Idaho; run South 345 feet to the North side of U.S.F.S. road Right of Way; thence South 73° 21' West along said right of way 354.5 feet more or less to the West line of the NE1/4 NE1/4 of SE1/4, Section 26, Township 19 North, Range 7 East, B.M., thence North 450 feet; thence East 340 feet to the True Point of Beginning.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1994 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

John L. Luque

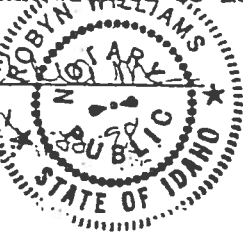
Genevieve A. Luque

State of Idaho

County of Ada

On the 15th day of Dec., 1993 before me, the undersigned a notary public in and for said State personally appeared John L. Luque and Genevieve A. Luque known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at:
Commission Expires:



DEC 17 1993
BY: [Signature]
FEE: 3.00

200932
MOUNTAIN TITLE & ESCROW
REQUESTED BY:
RECORDED

EXHIBIT B

CLAIMANT: DONNA L. PETERSON

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW

516 WEST FRANKLIN STREET

P.O. BOX 2836

BOISE, IDAHO 83701-2836

RECEIVED
FEB 23 2006
WATER RESOURCES
WESTERN REGION

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

February 23, 2006

HAND DELIVERED

Western Region
Adjudication Division
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
MAR 1 2006
IDWR/North

Re: Domestic Claim, SRBA

Dear Sir or Madam:

I am enclosing with this letter the original of a Notice of Claim to a water right on behalf of Donna L. Peterson along with our firm check in the amount of \$25.00 to cover the filing fee. This is a claim to a surface water source for domestic purposes for a single family residence. As I understand, no director's report has been prepared for surface rights in this area. Therefore, I am assuming that I can proceed to file the claim without first obtaining approval of the Court for filing a late claim.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs
enclosures

cc: Donna L. Peterson w/enc.