

02/26/2003

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

RIGHT NUMBER: 29-13414

NAME AND ADDRESS: DONALD R PETERSEN
11751 S HENDERSON RD
MC CAMMON ID 83250

DONNA L PETERSEN
11751 S HENDERSON RD
MC CAMMON ID 83250

SOURCE: BIRCH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.300 CFS

PRIORITY DATE: 07/01/1889

POINT OF DIVERSION:

T09S R36E S29 SENESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S28	SESW	30.0	T09S R36E S32	NENE	39.0
T09S R36E S32	NWNE	30.0	T09S R36E S32	SENE	34.0
T09S R36E S32	NESE	33.0	T09S R36E S33	NENW	36.0
T09S R36E S33	NWNW	39.0	T09S R36E S33	SWNW	40.0
T09S R36E S33	SENW	28.0	T09S R36E S33	NESW	38.0
T09S R36E S33	NWSW	32.0	T09S R36E S33	SWSW	38.0
T09S R36E S33	SESW	39.0			

456 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE RIGHTS LISTED BELOW ARE ALL DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 29-333, 29-336, 29-337, 29-13412,
29-13413 & 29-13414.

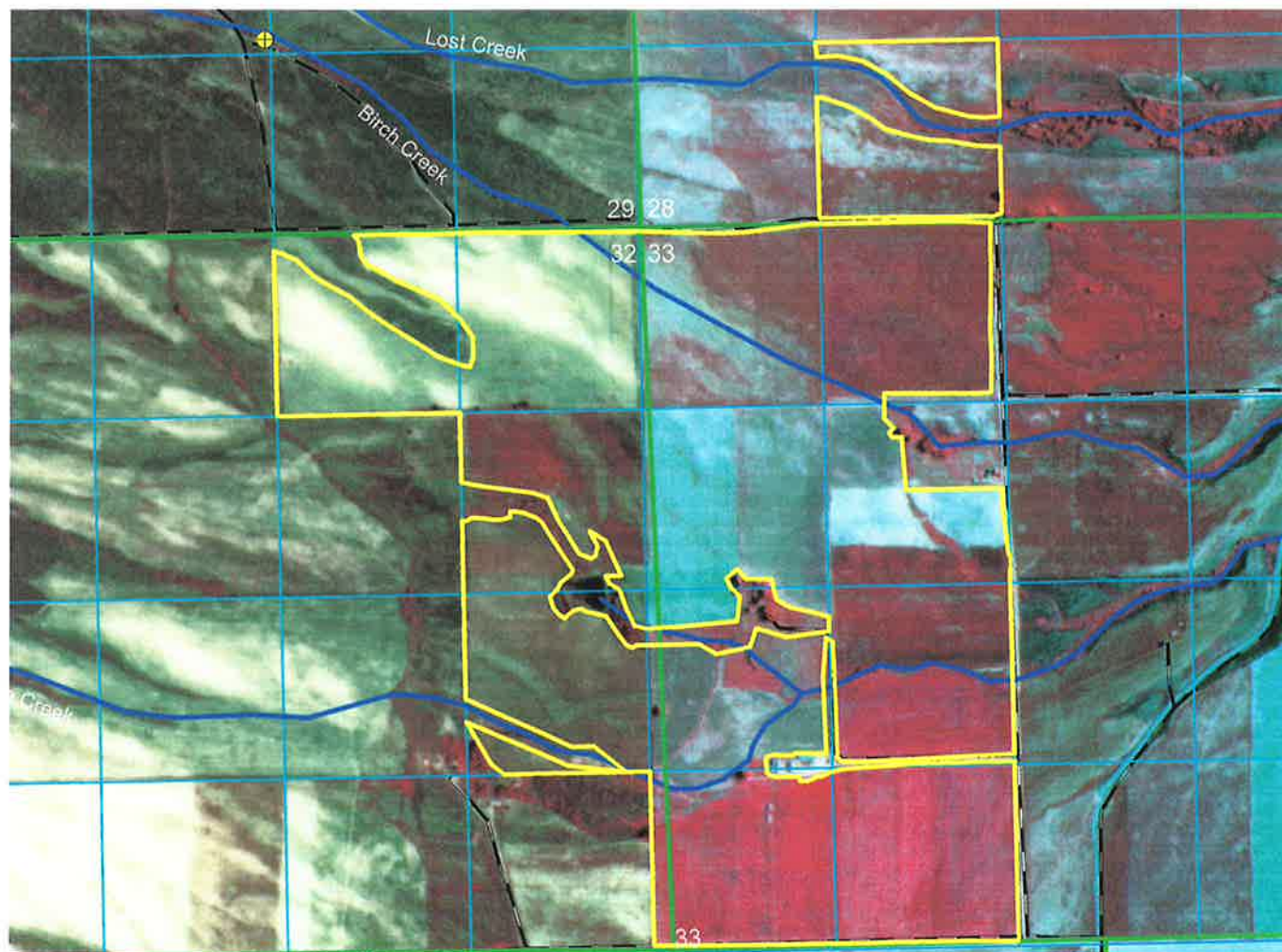
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-338.



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Rights: 29-333, 29-336, 29-337,
29-13412, 29-13413 & 29-13414**



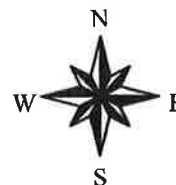
0.4 0 0.4 0.8 Miles

LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T9S, R36E,
(part of) Sections 28, 32. and 33.

Points of Diversion: T9S, R36E,
Sec. 29 SENESW



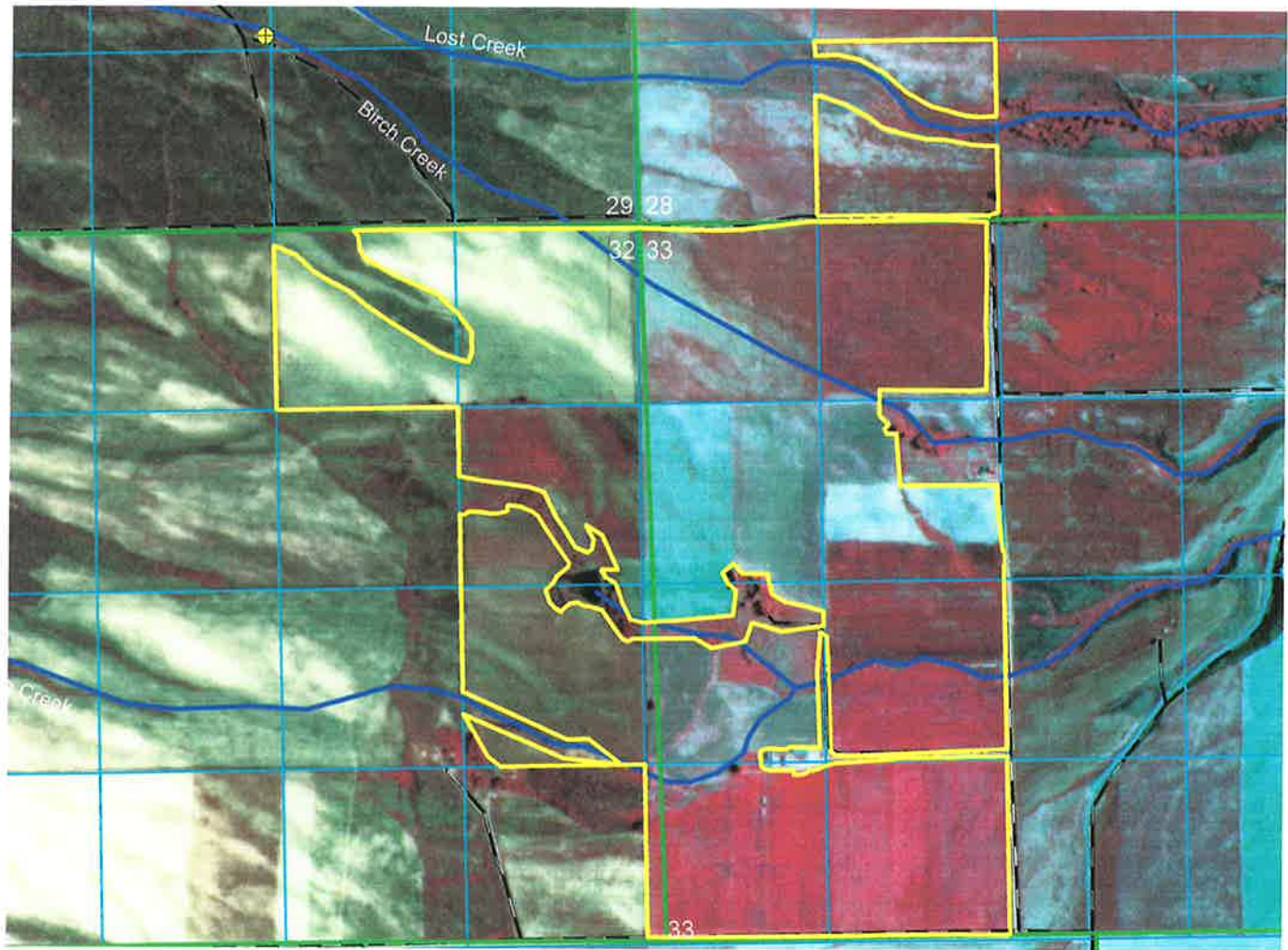
GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: FEBRUARY 2003



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Rights: 29-333, 29-336, 29-337,
29-13412, 29-13413 & 29-13414**



0.3 0 0.3 0.6 Miles

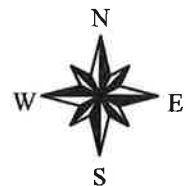
IRRIGATED ACRES 456

LEGEND

- Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T9S, R36E,
(part of) Sections 28, 32. and 33.

Points of Diversion: T9S, R36E,
Sec. 29 SENESW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: FEBRUARY 2003

Cindy

02/27/2003

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: April 21, 2003

Water right number: 29-13414

DONALD R PETERSEN
11751 S HENDERSON RD
MC CAMMON ID 83250
Telephone Number: (208)254-3930

DONNA L PETERSEN
11751 S HENDERSON RD
MC CAMMON ID 83250
Telephone Number: (208) 254-3930

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: 4-15-03

SIGNATURE:

Please print your name:

Donald R Petersen
Donald R Petersen

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

RECEIVED

APR 23 2003

Department of Water Resources
Eastern District Office

Summary Data Entry Form

Claim No.: 29-13414

Remarks and Conditions (Include Type, Category and Code if applicable):

P21- 29-338

C18

FOG Exp. Remark: 29-333, 336, 337, 29-13412,
13413, 13414.

C05.

K06 15 acres.

Split or Combined Right Analysis:

see attached

Attached Field Notes or Other Documents:

GPS POD: Birch P

POU: Convert 29-333 Shp.

Claim No.:

29-13414

Reviewer

Cindy Bird

Date

2/20/03

Notes

Completed Contact

linked POP, but the system wouldn't update the PLS.

- Verified basis of claim.

Need to save layout under each claim number (Remove irrigated acres)

2/21/03 - Asked Ennie to link the shape to 29-333, 336, 337, 13412, 13413 + 13414.

10/23/02 phone conversation with allen Ruberry.

Renumber Nancy's 29-338 claim to a 10,000 series
Add Pol6 Remark/Condition : Recommended as
right number 29- 13414 add Don Petersen's
new 10,000 number in there.

Add Pol Remark/cond. No lawful APPROPRIATION
Found. change small text to say something
about ownership of water right was not
verified during the investigation.

29-338
(0.3 cts)

Nancy Armstrong
0.30

Renumbered to
29-13486

- Disallowed: No
ownership shown

Don Petersen
0.30

29-13414

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO
IN AND FOR THE COUNTY OF BANNOCK

James Henderson, Benjamin W. Henderson,
and James Henderson Jr., partners under the firm
name and style of James Henderson & Sons, and
Melvin Henderson,

Plaintiffs

vs.

DECREE.

Thomas Marley, Mark R. Lawrence, William
Stinger, Mary Davis, and Gwenlion Marley
(intervenor),

Defendants.

This case having been commenced on May 7th. 1901, and there after all the parties having duly entered their appearance, W. T. Reeves Esq., and F. S. Districh Esq., appearing for the plaintiffs. S. C. Winters Esq., appearing for Thomas Marley, William Stinger and the intervenor, Gwenlion Marley, and Messers Terrell and Guheen appearing for the defendants-Mark R. Lawrence and Mary Davis.

And thereafter it was stipulated by the counsel for the respective parties that the cross complaints and the complaint in intervention should be deemed and treated as duly denied with the same force and effect as if verified answers thereto were duly filed.

And thereafter, the court having heard the evidence adduced by the several parties in support of their respective claims, and the counsel for the respective parties having made their arguments, and the court being fully advised in the premises and having made and filed herein its findings of fact and conclusions of law.

Now therefore in accordance with its findings and conclusions it is ordered, adjudged and decreed that the waters of Birch creek and of Lost Creek both of which said creeks are situate in Bannock county, State of Idaho, be, and the same are hereby,

MAY 16 1906
MAY 1 1906

distributed and decreed to the several parties to this suit for beneficial purposes and uses in amounts and of the dates with priority of rights as follows, to wit

- 29 0333 To James Henderson, Benjamin W. Henderson and James Henderson Jr., partners under the firm name and style of James Henderson & Sons, all of the waters of said lost creek, and one and one-tenth cubic feet per sec. of the water of Birch creek, dating from July 1st, 1879.
- 29 0334 To Melvin Henderson one cubic foot of water per second of the waters of Birch Creek dating from July 1 1879
- 29 0335 To the intervenor Gwenlison Marley two fifths of a cubic foot per second of the water of Birch creek, dating from July 1 1879
- 29 0336 To Mary Davis three tenths of a cubic foot per second of the water of Birch creek dating from April 1 1881:
- 29 0337 To Mark R. Lawrence, one tenth of a cubic foot per second of the water of Birch Creek dating from July 1 1883
- 29 0338 To Thomas Marley three tenths of a cubic foot per second of the water of Birch creek dating from July 1, 1889

That William Stinger is not entitled to any of the waters of the said Birch Creek.

That the several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion from the natural channel of the said Birch creek, excepting the right decreed in the said Lost creek.

That the said waters of Birch creek be measured under the weir system in cubic feet per second of time.

It is further ordered that each of the said parties to this suit construct and maintain at their several points of diversion respectively substantial and uniform boxes head gates and weirs for the measurement of their said water.

It is further ordered, adjudged and decreed, that each and every of the parties to this suit, their agents, attorneys, assignees, and grantees be and they are hereby restrained & perpetually enjoined from in any manner interfering with the waters of the said Birch creek and of the said Lost creek or exercising any other or greater rights

MAY 16 1996

with reference to the said waters than is herein decreed to the said parties respectively.

It is further ordered that each party to this suit pay his own costs.

Dated this 13th day of March 1902

Joseph C. Rich

Judge of the District Court.

STATE OF IDAHO,)
 (SS.
County of Benneek.)

I, E. G. Gallet, Clerk of the District Court in and for said County and State, hereby certify the within and foregoing to be a full true and correct copy of the original decree as recorded at page 118 of Judgement Book No. 2 records of said County.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 11th day of May, A.D.1903.

E. G. Gallet,
Clerk of said Court

(SEAL)

By D.N.Campbell, Deputy.

RECORDED

MAY 16 1906

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 29-338

WATER RIGHT NUMBER: 29-338

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS MARLEY
	, ZZ

Priority Date: 07/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion
BIRCH CREEKPlace of UseConditions of Approval:Remarks:

1. General P/D & P/U INCOMPLETE.
SOURCE LOCATION APPROX. T9S, R36E.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-338

Dates and Other Information:

Licensed Date:
Decreed Date: 3/13/1902
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Thomas Marley, et al
Decree Plaintiff: James Henderson, et al
Civil Case Number:
Judicial District: Fifth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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 29-13414
Date Received: 10/24/2002
Receipt No:
Received By: *ESD28260*

MSR 10/24/02

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DONALD R PETERSEN Phone: (208)254-3930

11751 S HENDERSON RD
MC CAMMON ID USA 83250

DONNA L PETERSEN Phone: (208) 254-3930

11751 S HENDERSON RD
MC CAMMON ID USA 83250

2. Date of Priority: 07/01/1889

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	36E	29	NE SW SE	BANNOCK	

5. Description of diverting works:

CONCRETE BOX PIPE TO GRAVITY SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.3	

7. Total Quantity Appropriated is:
0.3 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
09S	36E	32	NE	SE	IRRIGATION	38
Section Acres						38
09S	36E	33	NE	NW	IRRIGATION	38
			SE	NW	IRRIGATION	29
			NE	SW	IRRIGATION	38
			NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	39
Section Acres						220
Total Acres						258

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
USED WITH 29-00333, 29-00336, 29-00337, 29-00343, 29-00347

14. Remarks:

15. Basis of Claim:

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
 _____ Date: _____

State of Idaho)
) SS.
 County of _____)

Subscribed and sworn (or affirmed) before me this
 of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 ~~29-338~~ 29-13414

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Danah R Petersen & Donna Petersen Phone (208) 254-3930Mailing Address 11751 S Henderson Rd McCammon Zip 832502. Date of Priority (Only one (1) per claim) 7-1-18893. Source of water supply (a) Birch Crk
which is tributary to (b) Marsh Crk4. a. Location of existing point of diversion is: Township 9S Range 36E Section 29,
NE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

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.concrete box, steel pipe (16-18")
sprinkler, gravity flow, dam, pond.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 0-30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.30 (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.) _____

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	
9S	36E	32													38				38
		33					38			29	38	38	38	39					220

Total number of acres irrigated 258

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

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

13. Describe any other water rights used at the same place and for the same purposes as

29-333, 29-334, 337, 343-347.

14. Remarks:

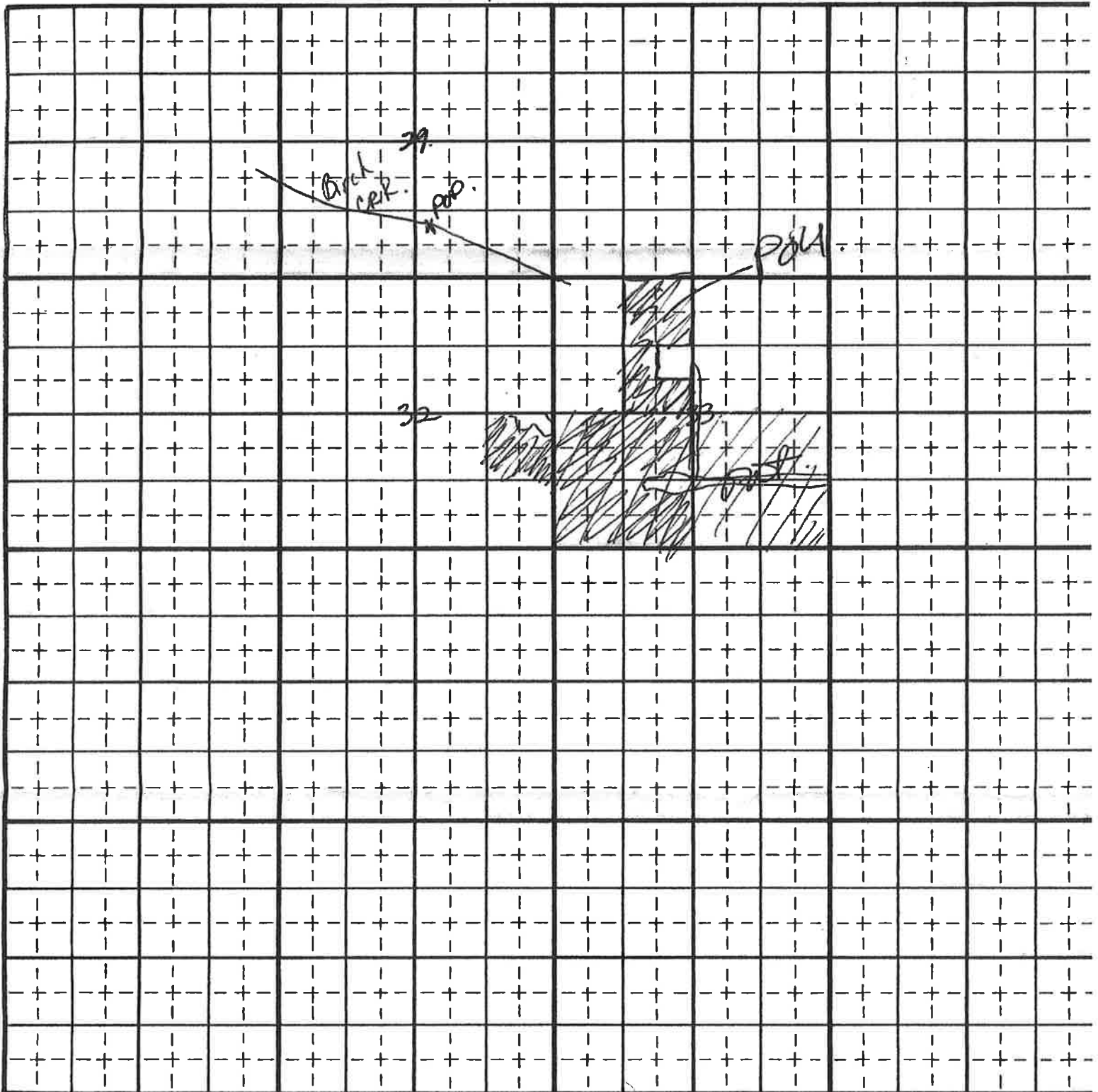
Nancy claimed
338 - disallowing
her claim.
Recommending
for Don

Last Name Petersen Ident No. 29-338

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

Scale: 2 inches equals 1 mile

9S 36E



Last Name Petersen Ident No. 29-339

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date 3/13/1902
Plaintiff vs Defendant Henderson - vs - Markey

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 1

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

Signature of Claimant (s) Donald R. Petersen

Date 10-22-2002

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of October 19 2002



Notary Public Cindy E. Bird

Residing at Lava Hot Springs

My Commission Expires 5-1-2007

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Petersen Ident. Number 29-338

Copies White-State, Yellow-Claimant

E R36E

17° 30"

HAWKINS ORTHOPHOTOQUAD
IDAHO

470 000 FEET

396

397

112° 15'

42° 37' 30"



4719

4718

340 000
FEET

4716

35'
4715

4714

TS
TI

01244

WHEN RECORDED, MAIL TO:
RICHARD C. CAHOON
 #88 South Main, Suite 500
 Salt Lake City, Utah 84101

95008980

WARRANTY DEED

DONALD R. PETERSEN, GRANTOR, hereby CONVEYS and WARRANTS to, DONNA PETERSEN, DONALD R. PETERSEN and RICHARD C. CAHOON and the survivors, survivor and successors thereof, Trustees of the DONNA PETERSEN TRUST with full power and authority to assign, sell, transfer, convey, encumber and mortgage, GRANTEES, of 11751 So. Henderson Road, McCammon, ID 83250, FOR THE SUM OF TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION,

An undivided one-half interest in the following described tract of land in **BANNOCK COUNTY, STATE OF IDAHO**, to-wit:

PARCEL 1:

TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO,

SECTION 28: SE 1/4 SW 1/4

SECTION 33: N 1/2 NE 1/4 AND NE 1/4 NW 1/4.

PARCEL 2:

TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.

SECTION 29: SW 1/4 SE 1/4

SECTION 32: N 1/2 NE 1/4, NE 1/4 SE 1/4

SECTION 33: S 1/2 NE 1/4, NW 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 EXCEPT THE FOLLOWING DESCRIBED TRACT;

BEGINNING AT THE NORTHEAST CORNER SE 1/4 NW 1/4 OF SECTION 33, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., THENCE WEST 760 FEET; THENCE SOUTH AT RIGHT ANGLES A DISTANCE OF 630 FEET; THENCE EAST AT RIGHT ANGLES FOR A DISTANCE OF 760 FEET, MORE OR LESS, TO THE COUNTY ROAD; THENCE NORTH 630 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 3:

TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO,

SECTION 32: SE 1/4 NE 1/4

SECTION 33: SW 1/4 NW 1/4 AND ALSO: BEGINNING AT THE NORTHEAST CORNER OF THE NW 1/4 SW 1/4 SECTION 33, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., THENCE WEST 40 RODS; THENCE SOUTH 24 RODS; THENCE EAST 40 RODS; THENCE NORTH 24 RODS TO THE PLACE OF BEGINNING.

WITNESS the hand of said grantor, this 21 day of June, 1995.

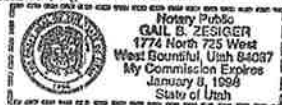
Donald R. Petersen
 DONALD R. PETERSEN

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

On the 21st day of June, 1995, personally appeared before me DONALD R. PETERSEN, signer of the within instrument, who duly acknowledged to me that he executed the same.



Gail B. Zesiger
 Notary Public

NC 95008980
 OF
 MARSDEN, ORTON, CAHOON
 & GOTTFREDSON

642
 3.00 OW

RICHARD C. CAHoon
#88 South Main, Suite 500
Salt Lake City, Utah 84101

WARRANTY DEED

DONALD R. PETERSEN, GRANTOR, hereby CONVEYS and WARRANTS to, DONALD R. PETERSEN, DONNA PETERSEN and RICHARD C. CAHOON and the survivors, survivor and successors thereof, Trustees of the DONALD R. PETERSEN TRUST with full power and authority to assign, sell, transfer, convey, encumber and mortgage, GRANTEES, of 11751 So. Henderson Road, McCammon, ID 83250, FOR THE SUM OF TEN DOLLARS (\$10.00) AND O'HER GOOD AND VALUABLE CONSIDERATION,

An undivided one-half interest in the following described tract of land in **BANNOCK COUNTY, STATE OF IDAHO**, to-wit:

PARCEL 1:
TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO,
SECTION 28: SE 1/4 SW 1/4
SECTION 33: N 1/2 NE 1/4 AND NE 1/4 NW 1/4.

PARCEL 2:
TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.
SECTION 29: SW 1/4 SE 1/4
SECTION 32: N 1/2 NE 1/4, NE 1/4 SE 1/4
SECTION 33: S 1/2 NE 1/4, NW 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 EXCEPT
THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE NORTHEAST CORNER SE 1/4 NW 1/4 OF SECTION 33, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., THENCE WEST 760 FEET; THENCE SOUTH AT RIGHT ANGLES A DISTANCE OF 630 FEET; THENCE EAST AT RIGHT ANGLES FOR A DISTANCE OF 760 FEET, MORE OR LESS, TO THE COUNTY ROAD; THENCE NORTH 630 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

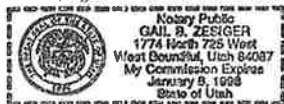
PARCEL 3:
TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO,
SECTION 32: SE 1/4 NE 1/4
SECTION 33: SW 1/4 NW 1/4 AND ALSO: BEGINNING AT THE
NORTHEAST CORNER OF THE NW 1/4 SW 1/4 SECTION 33, TOWNSHIP 9
SOUTH, RANGE 36 E.B.M., THENCE WEST 40 RODS; THENCE SOUTH 24
RODS; THENCE EAST 40 RODS; THENCE NORTH 24 RODS TO THE PLACE
OF BEGINNING.

WITNESS the hand of said grantor, this 21 day of June, 1995.

DONALD R. PETERSEN

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

On the 21st day of June, 1995, personally appeared before me DONALD R. PETERSEN, signer of the within instrument, who duly acknowledged to me that he executed the same.



Notary Public

NO 95008929
PART OF
MARSDEN, ORTON, CAHOON
& GOTTFREDSON
95 JUL 26 1954

NO 642
AHC
DEI.
QW ..
3.00

92013515

5-1
WARRANTY DEED

1-58607-JN

1110

THIS INDENTURE, made this 25 day of August, 1992,
between SCHNELTER'S RIVERSIDE GOLF CLUB, A UTAH CORPORATION the party of the first part,
and Donald R. Petersen and wife, Donna L. Petersen, as joint tenants
with full rights of survivorship, the parties of the second
part; 3491 W 300N, WEST POINT, UT 84015

WITNESSETH:

That the said party of the first part, for an in
consideration of the sum of TEN DOLLARS AND OTHER VALUABLE
CONSIDERATION, lawful money of the United States of America, to
them in hand paid by the said parties of the second part, the
receipt whereof is hereby acknowledged, do by these presents,
grant, bargain, sell and convey and confirm unto said parties of
the second part, and to their successors and assigns forever,
all those certain lots, pieces or parcels of land, situate,
lying and being in the County of Bannock, State of Idaho,
bounded and more particularly described as follows:

PARCEL 1:

Township 9 South, Range 36 E. B. M., Bannock County,
Idaho.

Section 28: SE1/4SW1/4

Section 33: N1/2NE1/4 and NE1/4NW1/4...

PARCEL 2:

Township 9 South, Range 36 E. B. M., Bannock County,
Idaho.

Section 29: SW1/4SE1/4

1111

Section 32: N1/2NE1/4, NE1/4SE1/4
 Section 33: S1/2NE1/4, NW1/4NW1/4, S1/2NW1/4, EXCEPT
 the following described tract:

Beginning at the Northeast corner SE1/4NW1/4 of
 Section 33, Township 9 South, Range 36 E.B.M.;
 thence West 760 feet; thence South at right
 angles a distance of 630 feet; thence East at
 right angles for a distance of 760 feet, more or
 less, to the county Road; thence North 630 feet,
 more or less, to the Point of Beginning.

The S1/2SW1/4, and N1/2SW1/4, Section 33, Township 9
 South, Range 36 E.B.M., Bannock County, Idaho, EXCEPT
 the following described tract:

Beginning at the Northeast corner of the
 NW1/4SW1/4 of Section 33, Township 9 South, Range
 36 E.B.M., thence West 40 rods; thence South 24
 rods; thence East 40 rods; thence North 24 rods
 to the Point of Beginning...

PARCEL 3:

Township 9 South, Range 36 East, Boise Meridian,
 Bannock County, Idaho.

Section 32: SE1/4NE1/4
 Section 33: SW1/4NW1/4, AND ALSO

Beginning at the Northeast corner of the NW1/4SW1/4
 Section 33, Township 9 South, Range 36 East, Boise
 Meridian, thence West 40 rods; thence South 24 rods;
 thence East 40 rods; thence North 24 rods to the Place
 of Beginning.

EXCEPTING from the above described parcels the
 following described property to wit: Beginning
 at a point on the South line of the SW1/4NW1/4 of
 Section 33, Township 9 South, Range 36 East,
 Boise Meridian, Bannock County, Idaho, 660 feet
 West of the Southeast corner thereof; thence West
 along the said South line of the SW1/4NW1/4 of
 Section 33 and the South line of the SE1/4NE1/4
 Section 32, said Township and Range a distance of
 1980 feet, more or less, to the Southwest corner
 of the SE1/4NE1/4 of said Section 32; thence
 North along the West line of the SE1/4NE1/4 of

Section 32 for a distance of 120 feet; thence East parallel to the South line of the SE1/4NE1/4 of Section 32 and the SW1/4NW1/4 of Section 33 for a distance of 1980 feet; thence South 120 feet, more or less, to the Point of Beginning...

PARCEL 4:

Beginning at a point on the South line of the SW1/4NW1/4 of Section 33, Township 9 South, Range 36 East, Boise Meridian, Bannock County, Idaho, 660 feet West of the Southeast corner thereof; thence West along the said South line of the SW1/4NW1/4 of Section 33 and the South line of the SE1/4NE1/4 Section 32, same Township and Range a distance of 1980 feet, more or less, to the Southwest corner of the SE1/4NE1/4 of said Section 32; thence North along the West line of the SE1/4NE1/4 of Section 32 for a distance of 120 feet; thence East parallel to the South line of the SE1/4NE1/4 of Section 32 and the SW1/4NW1/4 of Section 33 for a distance of 1980 feet; thence South 120 feet, more or less, to the Point of Beginning...

Together with the following water rights:

All the water of Birch Creek as described in that certain Judgment recorded at Book 2 of Judgments at page 113 dated March 13, 1902, the division of which is more particularly described on the attached Exhibit "A" entitled Water Schedule for Birch Creek on Following Turns as of 1953, which rights conveyed hereunder are those identified as Preslar and Chris.

Together with all the springs arising on the above described premises.

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

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and

5.4
to their successors and assigns forever, and the said party of the first part and its heirs, warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their successors and assigns, against the said party of the first part and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written and has caused the foregoing instrument to be executed in its corporate name and by its President, Attested by its Secretary under its corporate Seal, pursuant to _____ resolution, by its duly authorized officers this _____ day of August, 1992.

SCHNEITER'S RIVERSIDE GOLF CLUB,
A UTAH CORPORATION

By x *Ernie Schneider* Pres.
President

Attest:

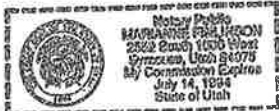
x *Sue M. Schneider*
Secretary

STATE OF Utah)
COUNTY OF Davis) ss.

On the 31st day of August, 1992, personally appeared before me Ernie Schneider and Sue M. Schneider and who being by me duly sworn,

1114

SCHNEIDER
5-5 Club
did say that they are the President and the Secretary respectively of the Riverside Golf, a Utah corporation, and that said instrument was signed in behalf of said corporation by authority of a resolution of its board of Directors and the same President and Secretary acknowledged to me that said corporation executed the same.



Margaret Hanson
NOTARY PUBLIC
Residing at: Signature

My Commission Expires:

7/14/94

NOTARY SEAL

92013515

NO.

RE:

AMERICAN LAND TITLE CO.

'92 SEP -1 P4:29

570

15.00