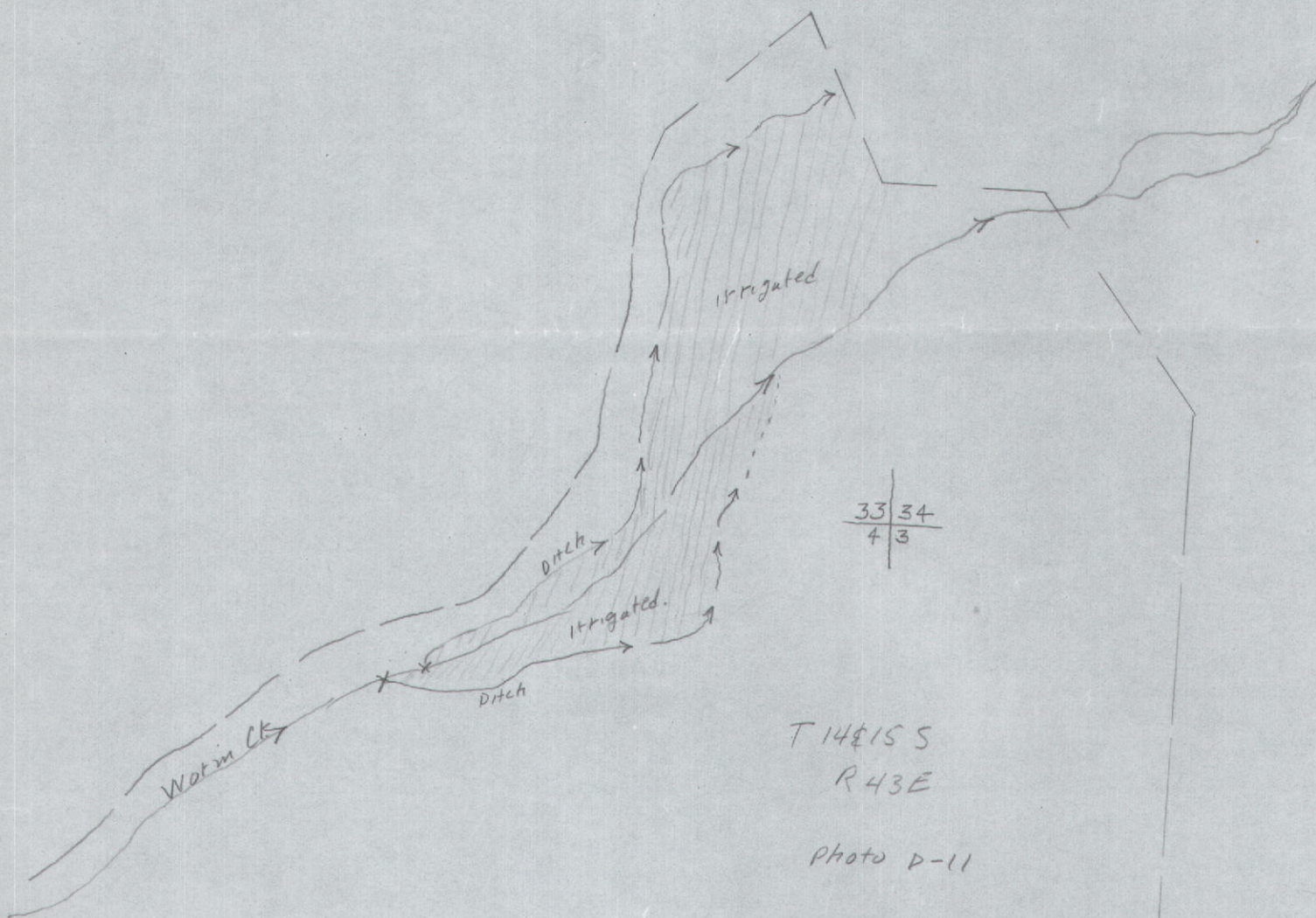
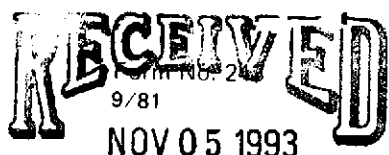


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LH



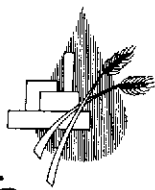
MICROFILMED



Claim No. 11-04061

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED

CLAIM TO A WATER RIGHT

AMENDED

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

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that MERRILL G. TRANSTROM
(Name of Claimant)
373 N. Beach Road, St. Charles, ID 83272 Telephone No. 945-2080
(Mailing Address) (Zip Code) (202) 726-4600

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1869

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
WORM CREEK tributary to BEAR LAKE

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.82 cfs</u>		Use <u>IRRIGATION</u>		Period of Use From <u>APRIL 1</u>	To <u>NOV 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) 0.82 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 4 Twp. 15S Rge. 43E B.M., County of BEAR LAKE
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. DIVERSION DAMS & DITCHES

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	43E	33													41			18	22
15S	43E	4	9	10															19

No. of acres 41

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

Remarks

65010-11 ३३९

~~THIS DOCUMENT~~

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Blaine) ss.)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

affiant's knowledge.

Sworn to before me this 28 day of _____

(Claimant)

Notary Public

Residing at

My commission expires

6661-21-6

FOR DEPARTMENT USE ONLY

_____ Dates

Published in

\$30.00 fee received by

Date _____

06-111

Prelim. check by

Date _____

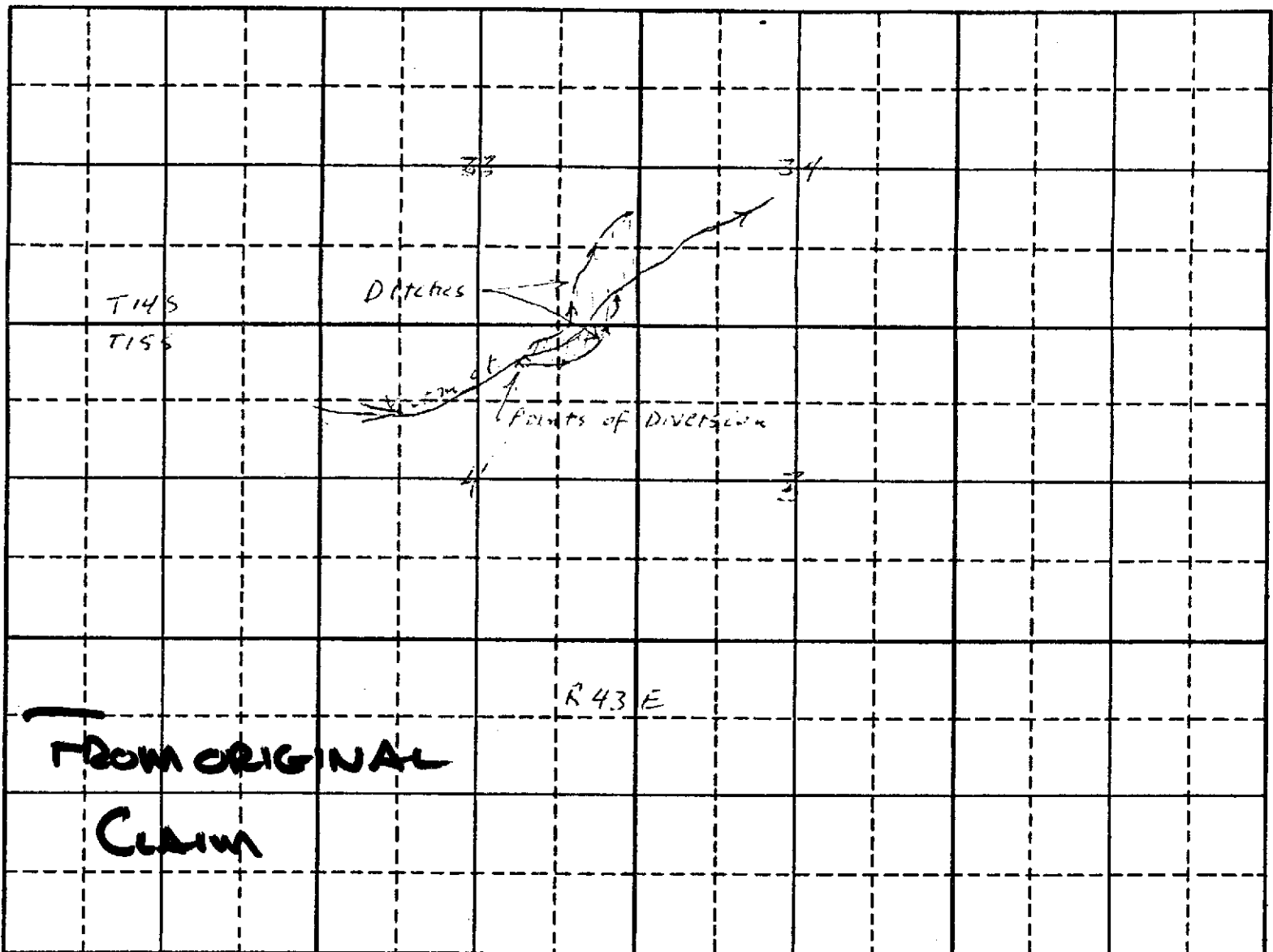
76-1211

Exception filed by:

Forwarded to
claimant by:

Date _____

(8) Remarks This land was originally owned by C.C. Darnford
who was selected owner of the States Priority in the
Case of Haddock Vs Thurnock, 5th District Court
Oct 10, 1904.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 18 day of April

Cordella Peterson
(Claimant)
Palm Beach 1977.

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

ARDELL T. PETERSON, aka ARDELLA T. PETERSON,
formerly known as ARDELLA T. BECK

the grantors, do hereby grant, bargain, sell and convey unto

MERRILL G. TRANSTRUM, Trustee of the MERRILL G. TRANSTRUM
TRUST, dated 10 November 1989

the grantee, the following described premises, in BEAR LAKE County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

COPY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
his heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantee, that she is the owner in fee simple of said premises; that they are free
from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: 08 October 1993

ArdeLL T. Peterson
ARDELL T. PETERSON

ArdeLL T. Peterson
ARDELLA T. PETERSON

ArdeLL T. Peterson Beck
ARDELLA T. BECK

STATE OF IDAHO, COUNTY OF BEAR LAKE
On this 08 day of October, 1993,
before me, a notary public in and for said State, personally
appeared

ARDELL T. PETERSON, aka ARDELLA
T. PETERSON, formerly known as
ARDELLA T. BECK

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Jan Beck
Notary Public
Residing at Ovid, Idaho
Comm. Expires 12/1/94

93 OCT 8 PM 2 32
Cindy Sp...
DEPUTY FEE \$6.00

BEAR LAKE COUNTY RECORDER
JANET K. KERR

157556

INSTRUMENT NO

Send Tax Notice to: THE MERRILL G. TRANSTRUM TRUST
PO BOX 10
ST. CHARLES ID 83272

EXHIBIT A

TOWNSHIP 14 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN, IDAHO:

Section 33: E1/2SE1/4.

44.75 ac

EXCEPT THEREFROM the following parcel heretofore deeded to Robert Price, as a right of way, to-wit:

Commencing at a point on the South side of Worm Creek on East side of tract of land belonging to Alva Weker and running thence Westerly along said Worm Creek 120 rods; thence North 2 rods; thence Easterly running parallel with the above described land 120 rods; thence South 2 rods to the place of beginning.

North of
Road

ALSO EXCEPT: Commencing at the Southeast Corner of the Northeast Quarter of Section 33, Township 14 South, Range 43 East of the Boise Meridian, and running thence South 12 chains, more or less, to "Worm Creek Road"; thence in a Northwesterly direction following said road 6 chains and 1 rod to the turn in said road; thence in a Southwesterly direction following said road 18 chains, more or less, to intersection of eighth section line; thence North 21 chains and 2 rods; thence East 80 rods to the place of beginning.

Sold to
Country
west of Pit

ALSO EXCEPT: Commencing 12 chains, more or less, South of the Southeast Corner of the NE1/4 of Section 33, Township 14 South, Range 43 East of the Boise Meridian (said point being the point where the old Worm Creek Road crosses the East Section line of Section 33); thence South 500 feet to the South fence of the new Worm Creek Road right of way; thence 700 feet in a Northwesterly direction along the West fence of the New Worm Creek Road right of way to the old Worm Creek Road; thence in a Easterly direction 330 feet meandering along the old Worm Creek Road to the point of beginning.

TOWNSHIP 15 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN, IDAHO:

39.4 ac Section 3: Lot 4 of the NW1/4.

39.4 ac } Section 4: All of that part of Lot 1 and Lot 2, lying Southeasterly
15.52 } of the Worm Creek Canyon Road.

11x40-440 ac ALSO: W1/2SE1/4; SW1/4NE1/4; S1/2NW1/4; SW1/4; & E1/2SE1/4.

80 ac Section 9: N1/2NW1/4.

*

SALES AGREEMENT

THIS AGREEMENT made this 08th day of October 1993, by and between ARDELLA T. PETERSON, as Seller; and MERRILL G. TRANSTRUM, Trustee, as Buyer for those certain parcels of ground, legally described on Exhibit "A", attached hereto.

Seller hereby agrees to Sell and Buyer agrees to buy said property, which has an existing balance, after any payments made of \$32,000.00.

Sale is made subject to the following terms and conditions:

1. Buyer shall pay to seller \$2,000.00 on closing, receipt thereof is hereby acknowledged.
2. Buyer shall pay balance of \$30,000.00 in annual payments, due 01 May 1994 and the 1st day of each May thereafter in the amount of \$5,000.00 plus accrued interest each year.

Said \$30,000.00 balance shall be secured by a promissory note and a first Mortgage on the Property. All documents shall be held in Escrow by First Idaho Title Company during the term of the Mortgage.

Buyer may not pay more than \$5,000.00 principal in any year, without the express written permission of the Seller.

3. Buyer agrees to pay ALL 1993 taxes when said taxes become due, Except for taxes on Section 34, which shall be paid by the Seller. Seller is retaining all property in Section 34, known as the gravel pit property and it is specifically excluded from this purchase.

4. Merrill Transtrum shall maintain all the fences on the property in return for the pasture on the hill.

5. This sale shall include all Oil and Gas Rights, SUBJECT TO SELLER RETAINING the rights, profits and rents from the existing Oil and Gas Lease with Meany and Johnson Energy Company. Said lease shall expire 18 October 1995.

6. This sale shall include all water rights to the property, which includes water rights filed with the State of Idaho by Ardella T. Peterson. Seller agrees to sign any necessary transfer documents for said Water Rights.

7. This sale shall include the associated BLM rights. Seller agrees to sign any necessary documents to Buyer in order for said BLM rights to be legally transferred to said Merrill G. Transtrum.

8. In the event of the death of Ardella T. Peterson during this agreement, all remaining payments shall be paid to:

WILMA T. KOCH
1056 27th Street
Ogden, UT 84403

Seller and Buyer hereby agree to adhere to and be bound by the aforesaid terms and agreements and it is expressly agreed between the parties hereto that there are no verbal promises, implied promises, agreements, stipulations or warranties excepting those set forth in writing in this Agreement.

It is agreed that the stipulations aforesaid are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto.

Ardella T. Peterson

SELLER

Merrill G. Transtrum

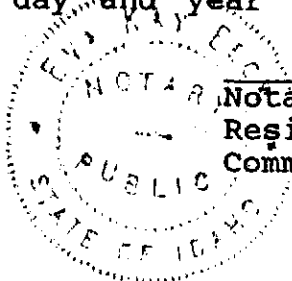
Joyce T. Transtrum

BUYER

STATE OF IDAHO)
COUNTY OF BEAR LAKE) ss.

On this 08TH day of October, 1993, before me, the undersigned, a notary public in and for said state, personally appeared ARDELLA T. PETERSON, MERRILL G. TRANSTRUM, and JOYCE TRANSTRUM, known to me to be the person whose name is 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.



Kym Beck
Notary Public
Residing at: Ovid, ID
Commission Expires: 12-1-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Ardella Peterson (name of claimant)
of 177 E. 2nd North, Richfield UT. 84701 (mailing address) or Blaine, Idaho, claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Warm Creek, tributary to, Sinks

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>0.82</u>	Use <u>irrigation</u>	Period of Use: From <u>April</u> To <u>Nov</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

(3) Total quantity of water claimed: 0.82 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1869

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 4 Twp. 15S Rge. 43E B. M. County of Benet Lake
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion Dams & Ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

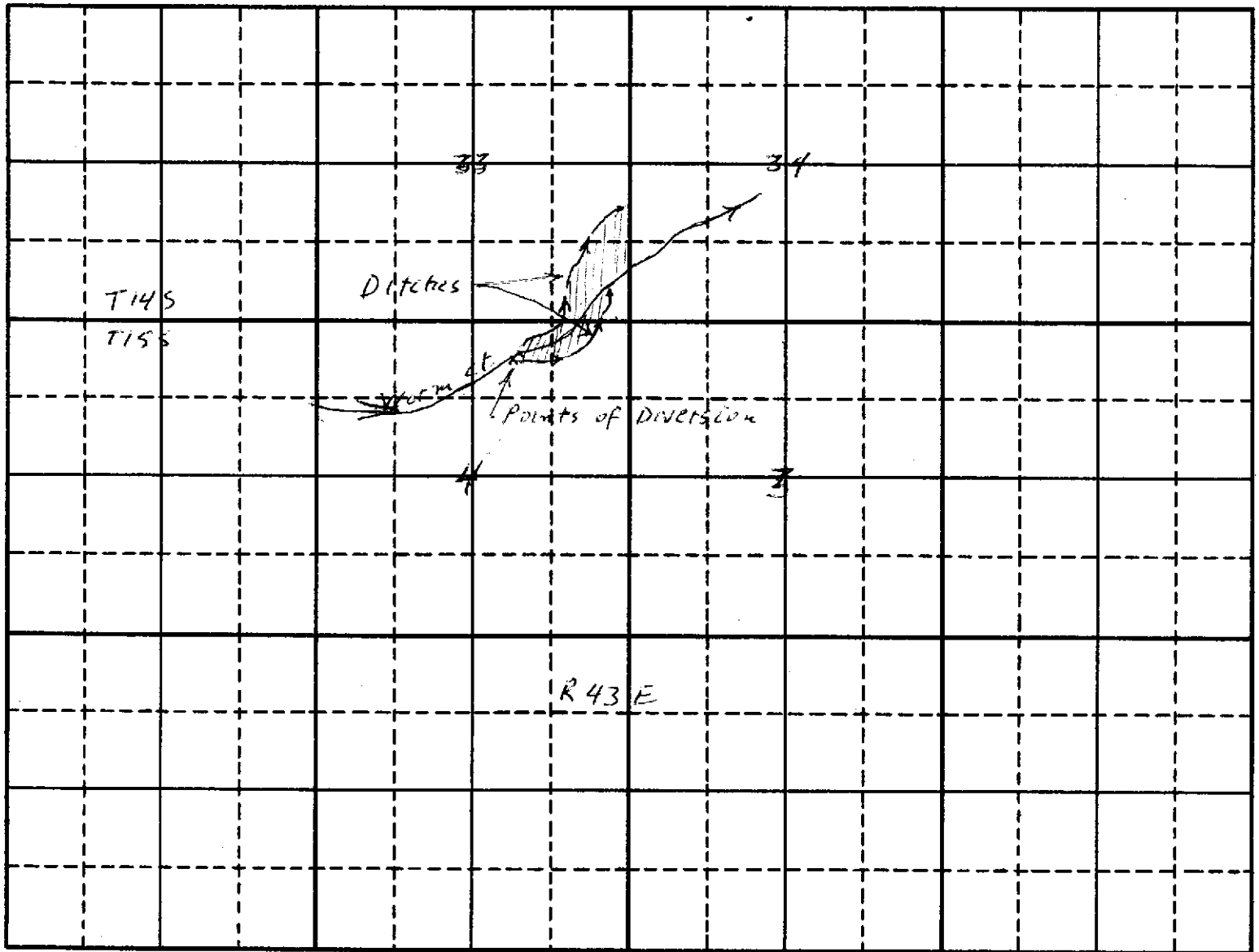
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	43E	33													4			18	22
15S	43E	4	9	10															19

Total No. of acres 41

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

- (8) Remarks This land was originally owned by O.C. Darnford
who was selected winner of the stated priority in the
case of Haddock Vs Haddock, 5th District Court
Oct 10, 1964.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 18 day of April

Modela Peterson
(Claimant)

John Bulch
Notary Public
Residing at Richfield

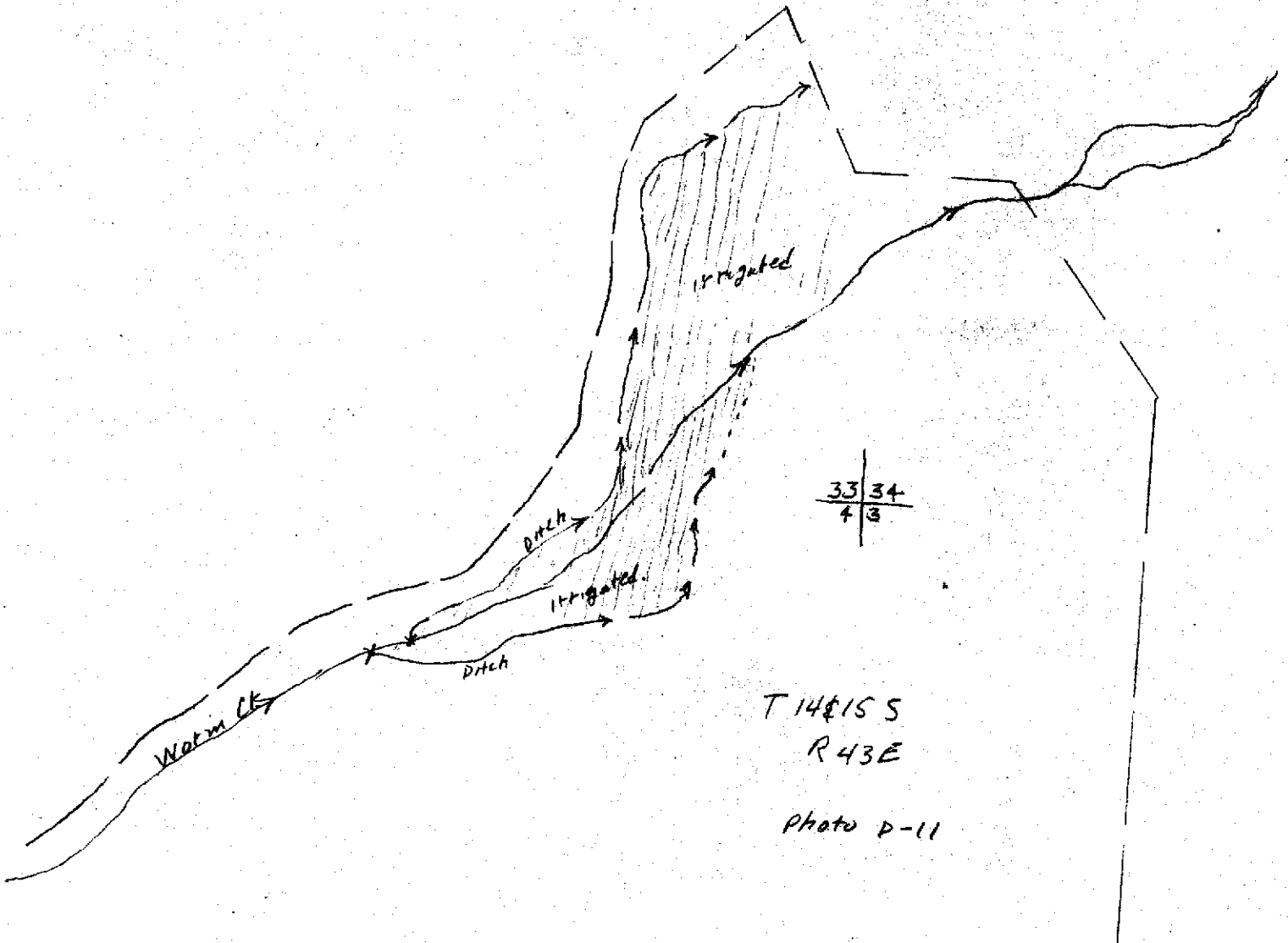
My commission expires 10-15-80

For Department Use Only

Received by <u>CW</u>	Date <u>4-27-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>4-27-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>4-27-77</u>			
Approved for publication by <u>Mr. 6-13-77</u>				
Published in <u>Newspaper</u>				
Dates <u>May 5 - 12-1977</u>				

4-13-77

2H



RECEIVED

JUN 10 1977

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake

ss.

Leon W. Thompson

being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *May 5*, 19*77* and ending with the issue of *May 12*, 19*77*.

Fees, *13.13*

Subscribed and sworn to before me this *7* day of *June*, 19*77*.

Manda J. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13, 1979*

LEGAL NOTICES

NOTICE OF CLAIM TO A WATER RIGHT NO.11-4061

Notice is hereby given that Ardella Peterson, Richfield, Utah has filed a claim to a water right established by diversion and application to beneficial use of 0.82 cubic feet per second of water from Worm Creek tributary to sinks with point of diversion in the NW¼NE¼, Sec. 4, T. 15S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 41 acres with a priority of May 1, 1869; the place of use is within the E½SE¼, Sec. 33, T. 14S, R. 43E; N½NE¼, Sec. 4, T. 15S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in The News-Examiner, Montpelier, Idaho on May 5 and May 12, 1977



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

June 14, 1977

RE: Claim to a Water Right No. 11-4061

Ms. Ardella Peterson
177 E. 2nd North
Richfield, Utah 84701

Dear Ms. Peterson:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

April 29, 1977

RE: Claim to a Water Right No. 11-4061

Ms. Ardella Peterson
177 E. 2nd N.
Richfield, Utah 84701

Dear Ms. Peterson:

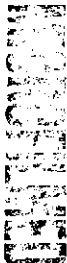
Attached herewith is departmental receipt No. 6574 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



April 29, 1977

RE: Claim to a Water Right No. 11-4061 PETERSON
Application for Permit No. 11-7115 SMITH
11-7116 SMITH
11-7117 DAINES

News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted _____ by _____

RDC:CW

Enc: Legal Notice (4)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4061

Notice is hereby given that Ardella Peterson,

Richfield, Utah

has filed a claim to a water right established by diversion and application
to beneficial use of 0.82 cubic feet per second ~~some feet per second~~
~~XXXXXXXXXXXXXXXXXXXX~~

of water from Worm Creek tributary to sinks

with point of diversion in the NW¹/4, Sec. 4, T. 15S, R. 43E, B.M.,

Bear Lake County

The water is claimed to be used from Apr. 1 to Nov. 1 for the

irrigation of 41 acres

with a priority of May 1, 1869;

the place of use is within the E¹/4, Sec. 33, T. 14S, R. 43E; NW¹/4,

Sec. 4, T. 15S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
R. KEITH HIGGINSON
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the News-Examiner, Montpelier, Idaho

on May 5 and May 12, 1977

*Called 6-07-77
Ad*

He G.