

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: A29-11232
Date Received: 4/19/1990
Receipt No: E013407
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CURTIS PECKHAM 208-775-3725
Address: 5404 W BLACKROCK ROAD
POCATELLO ID 83204

2. Date of Priority: MAY 1, 1918

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	23	NW	SE			BANNOCK

5. Description of diverting works:
SP 205 MODEL PUMP, 2" SEC. AND 1 1/2 " DISCH HP2

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/15	09/30	2.500		

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	NW	SE		IRR	2.2

Section Acres 2.2

Total Acres 2.2

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
APR 14 1994

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: A29-11232
Date Received: 12/23/1992
Receipt No: E013407
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENRY I MATHEWS 208-775-3706
Address: 5404 W BLACKROCK ROAD
INKOM ID 83245

2. Date of Priority: MAY 1, 1918

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	23	NW	SE			BANNOCK

5. Description of diverting works:
SP 205 MODEL PUMP, 2" SEC. AND 1 1/2 " DISCH HP2

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/15	09/30	2.500		

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	NW	SE		IRR	2.2

Section Acres 2.2

Total Acres

2.2 APR 14 1994

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:
NONE

14. Remarks:

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: _____

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

APR 14 1994

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:

Ident. Number

Date Received

Receipt Number

39576

A29-11232

4-10-90 / 4-18-90

F013407

Ck#578 \$52.50 & \$77.50

RECEIVED

APR 18 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 10 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Henry I. Mathews Phone (208) 775-3706
Mailing Address 5404 W. Blackrock Rd. Zip 83204

2. Date of Priority (Only one (1) per claim) May 1, 1988

3. Source of water supply (a) Portneuf River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township Long Range 35E Section 23,
N.W. 1/4 of SE 1/4 of _____ 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 T7S Range R35E Section 23, N.W. 1/4 of SE 1/4 of _____

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.

model SP205 2 inch section and 1 1/2 inch discharge
HP2-

MICROFILMED

APR 14 1994

A2911232

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 15 to Sep 30 amount 2.5 or 0.1

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.5 (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
			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	
7S	35E	23														NW 1/4			2.2 acres

Total number of acres irrigated

2.2

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

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 water right.

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

14. Remarks:

MICROFILMED

APR 14 1994

Last Name Matthews Ident No. _____

Copies: White -State, Yellow-Claimant

POOR ORIGINAL

351-171-23-11
2. 11. 11.

APR 14 1934

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) Henry & Matthew Date 4-14-90

_____ 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 9th day of April 19 90

SEAL

Notary Public Claudia M Hartman

Residing at Pocatello Idaho

My Commission Expires 6/23/92

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 Henry & Matthew

Address 5404 W. Blackrock Rd. S3204

Date 4-9-90

MICROFILMED

APR 14 1994

Last Name Matthew Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim A29-11232

Spatial Dynamics LTD

9/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NWSE	2.2	2.4	
Totals:			2.2	2.4	

4/9/01 Lfs needs to be reduced, claimed enough water to irrigate 128 acres.

5/10/01 Contact for Appointment - Curtice wants to be notified for Appt if Field Exam

5/16/01 / Priority Evidence received

RECEIVED

MAY 15 2001

Department of Water Resources
Eastern Region

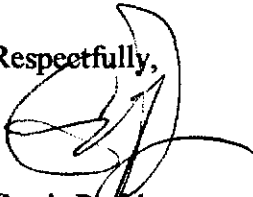
Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Mr. Saxton,

As per your request I have enclosed a copy of the affidavit written by Henry Mathews on behalf of myself for the purpose of proving the priority date. As per our conversation, the original was sent to Dave Carlsen in 1993. Therefore, this copy does not show the seal of the notary. Tami Wilson continues to be current if she is needed to verify.

I believe this letter will be sufficient to show that Henry Mathews had personal knowledge of the beneficial use of the water right on this property all of his life and should set the priority date of 1918 as correct.

Respectfully,

A handwritten signature in black ink, appearing to read 'Curtis Peckham', with a large, stylized flourish extending from the end of the signature.

Curtis Peckham
5404 W/ Blackrock Road
Pocatello, ID 83204

Dave Carlson
Water Right Agent, Adjudications
State of Idaho
Department of Water Resources

Mr. Carlson,

I am writing this letter of affidavit on behalf of Curtis N. Peckham for the purpose of proving the priority date given to the claim to a water right under state law. As I have personal knowledge and have observed the use of water in this area all my life, I can attest to its beneficial use.

My family originally farmed and raised stock in Arbon valley. In the fall the stock was brought into the Blackrock area for wintering. Eventually my father, William H. Mathews bought this property from S.J. Palmer in 1935. Mr. Palmer up until this time raised melons and irrigated this property off of the Portneuf River. Hence the priority dates of 1918 and 1920. My father then discontinued the raising of melons but began a field of raspberries which he continued to irrigate. I personally dug the first well on this property for domestic and stockwater use. And although I stopped the growing of raspberries, I continued to irrigate off the river for stock feed. My brother Howard Mathews then bought the property to the west and adjoining this property with full water rights for the purpose of domestic, stockwater, and irrigation as this property also claims.

Historically this water has been used for the purpose and dates for which it is claimed. To my knowledge no documents can be secured to prove this claim. Therefore, I submit my testimony to you that I have personally observed its use.

Change of ownership for these properties numbered A29-11454 and A29-11232 was processed and the Notice modified to reflect the new owner as Curtis N. Peckham on February 24, 1993.

Henry I. Mathews

Henry I. Mathews
4700 S. 5th #69
Pocatello, Idaho 8320

Tami Wilson
Jamie Wilson
Expires 4-18-97

Peckham
5404 W. Blackrock Rd.
Pocatello, ID 83204



Department of Water Resources
C/O Craig L. Saxton
900 N. Skyline Drive
Idaho Falls, ID 83402

83402+171A



May 2, 2001

29-11232
CURTICE PECKHAM
5404 W BLACKROCK ROAD
POCATELLO ID 83204-7309

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 4, 2001, **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 29-11232

AJ5809WP
No. A29-11232

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 320

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CURTIS PECKHAM 5404 W BLACKROCK RD POCATELLO ID 83204 (208) 775-3725	05/01/1918	IRRIGATION	01-15 09-30	2.500 CFS	
TOTAL DIVERSION:					2.500 CFS	

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R35E S23

NWSE

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	

07S 35E 23 :																																
TOTAL ACRES 2.2																																

POU County: BANNOCK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10604	29-10673	29-11273	29-11280	29-11454	29-11619	29-11726	29-12068	29-12144	A29-04066	
A29-04207C	A29-04425	A29-10094	A29-10604	A29-10673	A29-10802	A29-11273	A29-11280	A29-11387	A29-11454	
A29-11619	A29-11726	A29-12067	A29-12068	A29-12144						

Other Water Rights Listing Overlapping Place(s) of Use:

A29-02409 A29-02409A A29-04066 A29-04207 A29-04207C A29-04425 A29-10802

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/23/92 THOMPSON 02/24/93 THOMPSON 08/04/94 THOMPSON 03/29/95 POST-STD

FEBRUARY 24, 1993

CURTIS PECKHAM
5404 W BLACKROCK ROAD
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR A29-11454 AND A29-11232

Dear Mr. Peckham:

The request for Change in Ownership concerning your Notice of Claim in the above reference has been processed and the Notice modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: Copy of Notice

MICROFILMED

APR 14 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 1-4-93

FEB 24 1993

LEGAL DESCRIPTION OF PROPERTY: Township 7 S. Range 35 E.

Section 23, NW 1/4 of SE 1/4 of 1/4, Govt. Lot

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Eastern District Office

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

A29-11454 A29-11232

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

HENRY I. MATHEWS

5404 W. BLACKROCK RD

☐ New Owner/Claimant
(Purchaser):

CURTIS PECKHAM

☐ New Mailing Address:

5404 W. BLACKROCK RD

☐ New Telephone Number:

(208) 775-3725

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

ALL RIGHTS GO TO NEW OWNER

☐ Attach proof of
ownership, describe
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

[Signature]

Date 1-4-93

Date _____

☐ Signature of Former
Owner/Claimant(s):

Henry I Mathews

Date 2-18-93

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 14 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

For Value Received

Howard L. Mathews, Melvin Mathews, Mae Davis, all of Pocatello,
Bannock County, Idaho, and Thomas Green of Pocatello, Idaho,
do hereby convey, release, remise and forever quit claim unto

Henry I. Mathews, of Pocatello, Bannock County, Idaho.

the following described premises, to-wit:

Commencing at the East 1/16 corner of Section 23, Township 7 South,
Range 35, East of the Boise Meridian: Thence South 2°00' East along
the East 1/16 line of said Section 23, 506.6 feet, more or less to the
Southerly right of way line of the Oregon Short Line Railroad; thence
along the said right of way line on a curve to the left 468.3 feet; thence
continuing along said right of way line South 84°35' West 46 feet to the
point of beginning; Thence South 1°17' East 253 feet, more or less, to
the Northerly bank of the Portneuf River; thence following along the said
Northerly bank down stream in a Westerly direction to its intersection
with the Northerly right of way line of the Portneuf Road; thence along
the said Northerly right of way line North 72°24' West 110 feet; thence
North 283 feet more or less to an intersection with the Southerly right
of way line of the Oregon Short Line Railroad; then North 84°35' East
along the said right of way line 357 feet more or less to the point of
beginning.

The above is a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township
7 South, Range 35, East of the Boise Meridian in Bannock County,
Idaho, and contains 2.2 acres more or less.

together with their appurtenances

Dated: March 30, 1968.

Thomas Green
THOMAS GREEN

Mae Davis
MAE DAVIS

Howard L. Mathews
Howard L. Mathews

Melvin Mathews
Melvin Mathews,

STATE OF IDAHO, COUNTY OF Bannock
On this 30th day of March, 1968,
before me, a notary public in and for said State, personally
appeared

Howard L. Mathews, Melvin
Mathews and Mae Davis,

450060 MICROFILMED
RECORDED AT REQUEST OF
F.M. Hotline APR 14 1994
MAY 10 11 06 AM '68

REVENUE STAMPS

HENRY I. OR LUCILLE MATHEWS
5404 W. BLACK ROCK RD.
POCATELLO, ID 83204

574

POOR ORIGINAL

4-9 1990 92-155/1241

CES

525-7161

PAY TO THE ORDER OF *Left of water Resources* \$ *77.00*
Seventy Seven Dollars & 00/100 DOLLARS



Key Bank of Idaho
Pocatello Westwood Office
P.O. Box 3019
Pocatello, Idaho 83206

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MEMO *Henry & Lucille Mathews*
⑆124101555⑆81 029833 1⑆ 0574

RE: Notice of Claim A29-11232 and Domestic Well

Dear Mr. Mathews:

The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right because of insufficient information and/or fees. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

Please correct the items identified below and return the notice and filing fee to the IDWR by May 10, 1990. If the corrected notices are not returned by then, each notice will be subject to an additional late fee.

The location of the point of diversion (well or headgate) and place of use must be defined to at least the Township, Range, Section, and 1/4 of 1/4 Section (40-acre tract). Using the description you enclosed with your claims we have determined the correct legal description to be Township 7S, Range 35E, Section 23 in the NW1/4 of the SE1/4. If you believe this is the proper legal description, please enter the information in #4 and #10 on both of your claims.

The cfs amount claimed for the domestic and/or stock purposes must be entered in Item #6 on the domestic claim. The typical amount for one house with up to 1/2-acre of lawn and garden irrigation is 0.04 cfs. Refer to the enclosed Table 1 for the stockwater diversion rates if you are claiming water for stock.

Your signature must be notarized in Item #16.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

EC:jt

NOT RECORDED

APR 14 1994