

273 N. 2450 E.
St. Anthony, ID 83445
June 12, 2004

Nick L. Olson, Special Contract Agent
Adjudication Bureau
State of Idaho
Dept. of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED

JUL 28 2004

Department of Water Resources
Eastern Region

Dear Mr. Olson,

Re: Evidence of Priority for SRBA Water Right Claim 22-04007 (as filed by
Dyle B. Peterson, 418 N. 2700 E., St. Anthony, ID 83445)

In response to your request for documentation of the "Beneficial Use" of the above mentioned water, I am submitting the following information. Personal knowledge of Pete Angell (Affidavit included) has revealed that before the Fall River Canal was moved from it's Chester Dam outlet to it's present location, the slough area, now called "The Hog Hollow", which comprises land extending from 500 N. to 400 N. now owned by Pete Angell and Dyle B. Peterson, was farmed and irrigated using water from the springs through that area and the water from the original location of the Fall River Canal. Ditches ran on either side of the Hollow carrying water to crops grown there. (Photo of what remains of the old ditches included.) Pete Angell remembers San Dayton, a life-long resident of Twin Groves, relating that he was the one who harvested the last crop grown in the Hollow before the Fall River Canal was changed to it's new location. In it's new course on top of the hill, the Fall River Canal caused additional seepage that has helped to turn the area in the bottom of the Hollow into a slough.

Dyle B. Peterson first filed on the irrigation rights of the water in the Hollow as described above on January 14, 1949. (Application # 28523, Permit # 20879, copy included). At that time there existed on that land near the water source, the remains of a homestead. There was the remains of a house and a root cellar, a well with a functioning hand pump, a cistern on the hill to collect rain water and the remains of a 1902 one cylinder Oldsmobile car which I remember seeing many times as a child when I helped my father, Dyle B. Peterson, work there. The west part of the land was farmed growing alfalfa and grain, irrigated by flood irrigation. The land closer to the slough was fenced for pasturing stock.

In 1966, Dyle's brother, Clinton H. Peterson, arranged to grow a crop on the east side of the slough area. He cleaned and enlarged the entrance to the spring (unnamed water source as indicated above), brought in a tractor powered pump and sprinkler pipes, and for the next 2 or 3 years he irrigated that area and harvested a crop annually. His wife, Elva, remembers helping to move sprinkler pipe at that time. (Photo of set-up and affidavit included.)

The flood that occurred in June, 1976, when the Teton Dam burst, destroyed much of the countryside in this area. During reclamation after that flood, the spring was re-opened. A new diesel pump was installed in 1977-1978 and my brothers, H. Ben and Tad A. Peterson, sprinkled the ground and raised crops. (Copy of 1976 and 1978 water claim acknowledgment included) In 1979, a 100 horse power electric pump was installed and was used for sprinkling 240 acres. It is presently available for use. (Affidavit included)

During the last few years, my mother has been very ill. Dad put this land into a government set aside program on a 10 year contract, and he cared for my mother until she passed away. That contract is still in effect and prevents any irrigation until it is finished.

Please notify us of any further documentation that you may need to maintain our current irrigation rights to this water source. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Hoffmann".

Gwen Hoffmann

A handwritten signature in cursive script that reads "Dyle B. Peterson".

Dyle B. Peterson

RECEIVED
JUL 28 2004
Department of Water Resources
Eastern Region

AFFIDAVIT

STATE OF Idaho

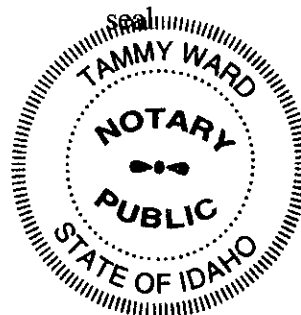
COUNTY OF Fremont

On this 23rd day of ~~June~~ ^{July}, 2004, I, H. Ben Peterson, do here-by declare that in 1977-1978, my brother, Tad A. Peterson, and I did help install a diesel pump into the "Unnamed Water Source" as described in SRBA Water Right Claim 22-04007, as filed by my father, Dyle B. Peterson, and irrigated by sprinkler about 240 acres. Later in 1979, we helped install a 100 horse power electric engine pump and continued to sprinkle that acreage.

H. Ben Peterson
Signed: H. Ben Peterson

Subscribed and sworn to before me this 23rd day of ~~June~~ ^{July}, 2004.

Jimmy Ward
Notary Public
Date Expires 12-23-04



RECEIVED

JUL 28 2004

Department of Water Resources
Eastern Region

AFFIDAVIT

STATE OF Idaho

COUNTY OF Fremont

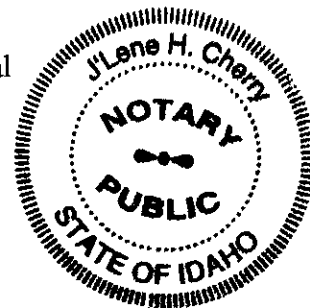
On this 24 day of June, 2004, I, Pete Angell, here-by declare that I was told by San Dayton, a life-long resident of Twin Groves in Fremont County, that he was the last man to harvest a crop from part of the land that is now known as "The Hog Hollow", extending from 400 N. to 500 N. in Fremont County, before the Fall River Canal was changed to its present location. There are still a few places that the old ditches that were used at that time can be seen on my property.

Pete Angell
Signed: Pete Angell

Subscribed and sworn to before me this 24 day of June, 2004.

J'Lene H. Cherry
Notary Public
Expiration Date 6/28/06

Seal



RECEIVED
JUL 28 2004
Department of Water Resources
Eastern Region

AFFIDAVIT

STATE OF IDAHO

COUNTY OF Fremont

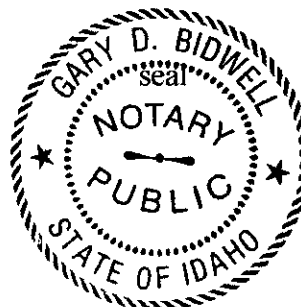
On this 24 day of June, 2004, We, Clinton H. Peterson, and Elva Peterson, do here-by declare that starting in the year 1966, we placed a tractor powered pump in the water source known as "SRBA Water Right Claim 22-04007", an unnamed water source, as filed upon by Dyle B. Peterson, and sprinkled the acreage to grow a crop. The photographs enclosed are actual photos of our tractor and pump used at that time.

Clinton H. Peterson
Signed: Clinton H. Peterson

Elva Peterson
Signed: Elva Peterson

Subscribed and sworn to before me this 24 day of June, 2004.

Gary D. Bidwell
Notary Public
Date Expired June 5, 2005



RECEIVED

JUL 28 2004

Address all communications to

Department of Water Resources
Eastern Region

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 28523
Permit No. 20879
District No. _____1. Name of applicant: D.B. Peterson,
Post office address St Anthony Rt. 1, County Freemont State Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____
(b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____
(d) Names and addresses of directors: _____

II. The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____
(d) Other resources: _____2. Quantity of water claimed: 4.0 cubic feet per second.3. Source of water supply: Un-named Stream, (Seepage water)
which is tributary of Teton River4. Location of point of diversion: _____ feet distant from the _____ corner
of Section _____, T. _____, R. _____, B. M., and is in the NW 1/4 SE 1/4
of Section 10, T. 7.N., R. 41.E., B. M., County of Freemont,5. Water is to be used for: Irrigation and Domestic purposes,

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.
(b) Amount of power generated: _____ H. P., under _____ feet head
(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the
_____ of Section _____, T. _____, R. _____, B. M.7. Estimated cost of works: \$ 1,000.008. Kind of works: Pump and ditches,
(Reservoir, dam, ditch, flume, pipe, etc.)9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____ feet;
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)
feet; material used in dam _____

10. Size of headgate: Width _____ feet; Height _____ feet.

11. Ditch. Width at bottom 2 feet; Width at water line 5 feet; Depth of water 1 feet;

Dimensions of flume _____; Diameter of pipe _____ inches;

Length of conduit 1 1/2 miles. Average grade per mile _____ feet.

(Give irrigable acreage in each 40-acre subdivision)

Total Number of Acres to be Irrigated.....320.....

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are.....None,

Approval of State Reclamation Engineer

The number of this permit is 20870

Recorded in Book 75 Page 20870 Approved JAN 14 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before

Work to begin on or before March 14, 1949 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 14, 1951

The whole of said work to be completed on or before January 14, 1953

Beneficial use of water appropriated in accordance herewith, to be made on or before January 14, 1955

Witness my hand this 14th day of January, 1949

Mark R. Kulp
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS Governor of the State of Idaho,

and J. D. "CY" PRICE Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 14th day of January, 1949

Countersigned:

By *J. D. Price*
Secretary of State.

STATE OF IDAHO

By *C. A. Robins*
Governor

No. 20870

PERMIT

Date of first receipt at office of State Reclamation Engineer

10:45 A.M. Jan. 8, 1949

Returned to applicant for correction

Corrected application received

Fees, \$ 5.75

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or fraction thereof

25

16. (a) Is reservoir to be used?..... (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant.

Remarks: Pumping project. Pumping lift approx. 80 to 100 feet,
Pumping will be by tractor power.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]

Applicant

By

Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, ..., of, County of, State of, do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit: and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO }
County of } ss.

On this day of, 194..... before me, a Notary Public for the State of Idaho, residing at, personally appeared known to me to be the person whose name subscribed to the foregoing certificate, and acknowledged to me that he..... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires

Notary Public.

Section 42-225a, Idaho Code

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 D. B. Peterson

Ph. 624-3629

(name of claimant)

of Rt. #1, St. Anthony, Idaho
(mailing address)

... 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:

- Amount 4.00

Use	Irrigation
1. ☐ <u> </u>	1. ☐ <u> </u>
2. ☐ <u> </u>	2. ☐ <u> </u>
3. ☐ <u> </u>	3. ☐ <u> </u>
4. ☐ <u> </u>	4. ☐ <u> </u>
5. ☐ <u> </u>	5. ☐ <u> </u>
6. ☐ <u> </u>	6. ☐ <u> </u>
7. ☐ <u> </u>	7. ☐ <u> </u>
8. ☐ <u> </u>	8. ☐ <u> </u>
9. ☐ <u> </u>	9. ☐ <u> </u>
10. ☐ <u> </u>	10. ☐ <u> </u>
11. ☐ <u> </u>	11. ☐ <u> </u>
12. ☐ <u> </u>	12. ☐ <u> </u>
13. ☐ <u> </u>	13. ☐ <u> </u>
14. ☐ <u> </u>	14. ☐ <u> </u>
15. ☐ <u> </u>	15. ☐ <u> </u>
16. ☐ <u> </u>	16. ☐ <u> </u>
17. ☐ <u> </u>	17. ☐ <u> </u>
18. ☐ <u> </u>	18. ☐ <u> </u>
19. ☐ <u> </u>	19. ☐ <u> </u>
20. ☐ <u> </u>	20. ☐ <u> </u>
21. ☐ <u> </u>	21. ☐ <u> </u>
22. ☐ <u> </u>	22. ☐ <u> </u>
23. ☐ <u> </u>	23. ☐ <u> </u>
24. ☐ <u> </u>	24. ☐ <u> </u>
25. ☐ <u> </u>	25. ☐ <u> </u>
26. ☐ <u> </u>	26. ☐ <u> </u>
27. ☐ <u> </u>	27. ☐ <u> </u>
28. ☐ <u> </u>	28. ☐ <u> </u>
29. ☐ <u> </u>	29. ☐ <u> </u>
30. ☐ <u> </u>	30. ☐ <u> </u>
31. ☐ <u> </u>	31. ☐ <u> </u>
32. ☐ <u> </u>	32. ☐ <u> </u>
33. ☐ <u> </u>	33. ☐ <u> </u>
34. ☐ <u> </u>	34. ☐ <u> </u>
35. ☐ <u> </u>	35. ☐ <u> </u>
36. ☐ <u> </u>	36. ☐ <u> </u>
37. ☐ <u> </u>	37. ☐ <u> </u>
38. ☐ <u> </u>	38. ☐ <u> </u>
39. ☐ <u> </u>	39. ☐ <u> </u>
40. ☐ <u> </u>	40. ☐ <u> </u>
41. ☐ <u> </u>	41. ☐ <u> </u>
42. ☐ <u> </u>	42. ☐ <u> </u>
43. ☐ <u> </u>	43. ☐ <u> </u>
44. ☐ <u> </u>	44. ☐ <u> </u>
45. ☐ <u> </u>	45. ☐ <u> </u>
46. ☐ <u> </u>	46. ☐ <u> </u>
47. ☐ <u> </u>	47. ☐ <u> </u>
48. ☐ <u> </u>	48. ☐ <u> </u>
49. ☐ <u> </u>	49. ☐ <u> </u>
50. ☐ <u> </u>	50. ☐ <u> </u>
51. ☐ <u> </u>	51. ☐ <u> </u>
52. ☐ <u> </u>	52. ☐ <u> </u>
53. ☐ <u> </u>	53. ☐ <u> </u>
54. ☐ <u> </u>	54. ☐ <u> </u>
55. ☐ <u> </u>	55. ☐ <u> </u>
56. ☐ <u> </u>	56. ☐ <u> </u>
57. ☐ <u> </u>	57. ☐ <u> </u>
58. ☐ <u> </u>	58. ☐ <u> </u>
59. ☐ <u> </u>	59. ☐ <u> </u>
60. ☐ <u> </u>	60. ☐ <u> </u>
61. ☐ <u> </u>	61. ☐ <u> </u>
62. ☐ <u> </u>	62. ☐ <u> </u>
63. ☐ <u> </u>	63. ☐ <u> </u>
64. ☐ <u> </u>	64. ☐ <u> </u>
65. ☐ <u> </u>	65. ☐ <u> </u>
66. ☐ <u> </u>	66. ☐ <u> </u>
67. ☐ <u> </u>	67. ☐ <u> </u>
68. ☐ <u> </u>	68. ☐ <u> </u>
69. ☐ <u> </u>	69. ☐ <u> </u>
70. ☐ <u> </u>	70. ☐ <u> </u>
71. ☐ <u> </u>	71. ☐ <u> </u>
72. ☐ <u> </u>	72. ☐ <u> </u>
73. ☐ <u> </u>	73. ☐ <u> </u>
74. ☐ <u> </u>	74. ☐ <u> </u>
75. ☐ <u> </u>	75. ☐ <u> </u>
76. ☐ <u> </u>	76. ☐ <u> </u>
77. ☐ <u> </u>	77. ☐ <u> </u>
78. ☐ <u> </u>	78. ☐ <u> </u>
79. ☐ <u> </u>	79. ☐ <u> </u>
80. ☐ <u> </u>	80. ☐ <u> </u>

Period of Use: From Apr. 1 To Nov. 1

Amount _____

Use _____

Period of Use: From . . . To . . .

Amount _____

Use	
-----	--

Period of Use: From To

(cfs, gpm
or a/d)

(dom., irri.
stock, etc.)

(both dates inclusive)

- Total quantity of water claimed: 4.00

cubic feet per second, or

acre feet

per annum, and/or

gallons per minute.

100

- Priority claimed: (the date water was first applied to beneficial use)

Jan: 14, 1949

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.

- A) Point of diversion: (give location of point where water is diverted from its source)

NE ¼ SW ¼, Sec. 10 Twp. 7N Rge. 41E B. M. County of Fremont

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. Tractor power, pump and sprinkler system

- 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.

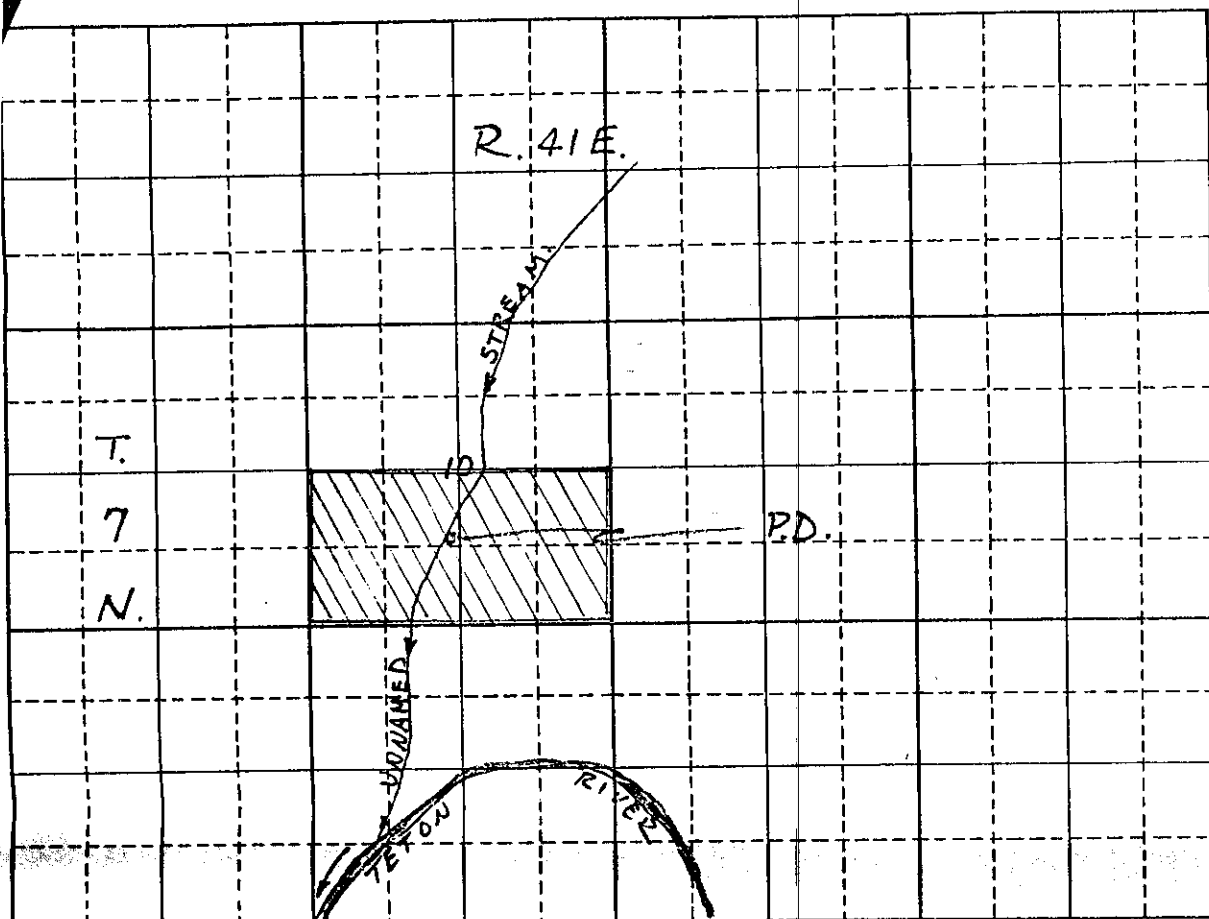
[illegible]

Total No. of acres 320

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

- If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

22-04007

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 BONAVILLE)

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 16th day of APRIL, 1976.

[Signature]
(Claimant)

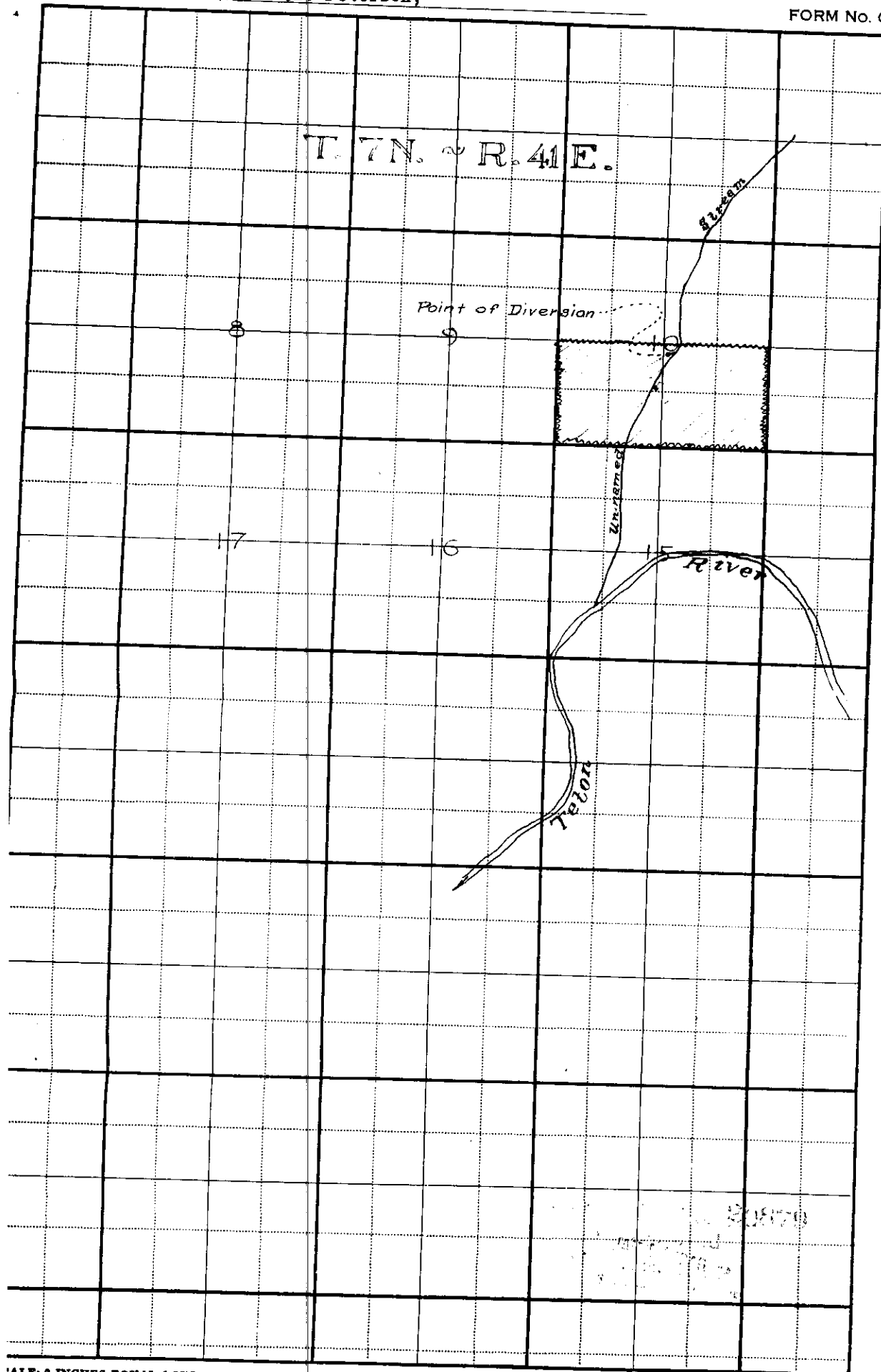
Notary Public

Residing at IDAHO FALLS

My commission expires 2/19/78

For Department Use Only

Received by <u>CW</u>	Date <u>4-16-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jay</u>	Date <u>4-16-76</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>4-16-76</u>			
Approved for publication by <u>5-25-76 #15760</u>				
Published in <u>Idaho County Chronicle</u>				
Dates <u>April 22 + 23, 1976</u>				





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

May 25, 1976

RE: Claim to a Water Right No. 22-4007

Mr. D. B. Peterson
Rt. #1
St. Anthony, Idaho 83455

Dear Mr. 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



