

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: **A43-10036A**
Date Received: 3/14/1989
Receipt No: X777777
Received By: _____

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

1. Name: RALPH PEAK FAMILY TRUST 208-866-9375
Address: 4237 FOREST PARK ST NW
OLYMPIA WA 98502

2. Date of Priority: SEP 1, 1949

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	27E	19	SW	SW	SE		CASSIA

5. Description of diverting works:
WELL AND PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		

7. Total Quantity Appropriated is:
0.040 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
13S	27E	19	SW	SE		IRR	2.0
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON THE FOLLOWING WR'S: 43-2305, 43-2455,
43-2525, 43-4179.

OWNERSHIP CHANGE - SPLIT A43-10036A - PIERCE CHANGED NAME TO
RALPH PEAK FAMILY TRUST THEN SOLD TO THORNTON A43-10036B 58 ACRES
KEEPING 2 ACRES - TRANS. 4231.

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

AUG 19 1993

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 3-24-1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ 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: A43-01 A43-10036
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Dale D. &/or Jean Pierce
HC 72 Box 2058
Malta, ID 83342
- ☐ New Owner/Claimant (Purchaser): Ralph Peak Family Trust
- ☐ New Mailing Address: 4237 Forest Park St. NW
Olympia, WA 98502
- ☐ New Telephone Number: (206) 866 - 9375
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
We bought 60 acres, then immediately sold all but 2 acres. Separate form
will cover the other 58 acres. We have 2 acres in the SE corner of the
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19 T. 13S R. 27E. New well to be drilled.
- ☐ Attach proof of ownership, describe proof attached: Deeds
(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) Mary Lou Peak, Trustee Ralph Peak Family Trust Date 8/19/93
Ralph F Peak Trustee " " Date 8/19/93
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ 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: 8/19/93 By: JC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: JC

Claim Numbers of Split, if any:

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

CLOSING: 3-24-1993

*wrong
SB Peak Trust
to Thorntons*

OF PROPERTY: Township _____ Range _____
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Block, _____, Subdivision/Townsite _____
Additional legal descriptions, please attach separate sheet.

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

- ☐ Water Right Number(s)
Assigned by IDWR: Claim A43-10036
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Dale O. &/or Jean Pierce
HC 72 Box 83342/ 2058
Malta, ID 83342
- ☐ New Owner/Claimant (Purchaser): Jay R. &/or Kim Thornton
- ☐ New Mailing Address: PO Box 635
Malta, ID 83342
- ☐ New Telephone Number: () 645 - 2557

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
The Ralph Peak Family Trust bought the original 60 acres & immediately
resold 58 acres to the Thorntons (see attached deeds).

- ☐ Attach proof of ownership, describe proof attached: Deeds

(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) Jay R Thornton Date 1-24-93
Kim Thornton Date 1-24-93
- ☐ Signature of Former Owner/Claimant(s): Mary Lee Peak Trustee Ralph Peak Family Trust Date 8-19-93
Ralph F. Peak Trustee Date 8/19/93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8/19/94 By: JE

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: JE

Claim Numbers of Split, if any:

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

FEB 23 1994

TRANSFER NO. 4231

WATER RIGHT NO(S). 43-02525B/43-04179B

Department of Water Resources

Regional Office

This is to certify that: RALPH PEAK FAMILY TRUST
4237 FOREST PARK ST NW
OLYMPIA WA 98502

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 43-02525B :			
IRRIGATION	04/01 to 10/31	0.04 CFS	8.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
Priority: 05/26/1961			

Right No. 43-04179B :			
IRRIGATION	04/01 to 10/31	0.04 CFS	8.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
Priority: 09/01/1928			

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 19, Township 13S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S 27E 19	SWSE 2			2
Total number of acres irrigated:				2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4231
WATER RIGHT NO(S). 43-02525B/43-04179B

CONDITIONS/REMARKS:

3. Approval of this transfer in no way confirms the right(s) claimed.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Domestic use is for 1 home.

Dated this 14th day of February, 1994.

J. Glen Saylor
Chief, Water Alloc. Bureau

WARRANTY DEED

THIS INDENTURE, made this 22 day of March, 1993, between Dale O. Pierce also known as Dale Pierce and Jean Pierce, husband and wife, HC 72, Box 2058, Malta, Idaho 83342 hereinafter called the "Grantors", The Ralph Peak Family Trust, whose address is 4237 Forrest Park Street, Northwest, Olympia, Washington 98502 hereinafter called the "Grantee".

W I T N E S S E T H

That the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantors in hand paid by the Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain and sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

SUBJECT TO: Agreement for Purchase of Power with Raft River Rural Electric recorded August 5, 1955 in Book 9 of Miscellaneous, on Page 102, records of Cassia County, Idaho; Agreement for Purchase of

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Power with Raft River Rural Electric recorded April 6, 1978 as Instrument No. 106395 on Film No. 116, records of Cassia County, Idaho, and Agreement for Electric Service with Raft River Rural Electric recorded August 1, 1990 as Instrument No. 208791 on Film No. 218, records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the Grantors.

TO HAVE AND TO HOLD, all and singular, the above-mentioned and described premises, together with appurtenances unto the Grantee, and to the Grantee's successors and assigns forever.

The Grantors shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the Grantee's successors and assigns, and against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

1
2 IN WITNESS WHEREOF, the Grantors have executed this
3 deed the day and year first above written.
4

5 Dale O. Pierce
6 DALE O. PIERCE, aka DALE
7 PIERCE
8

9 Jean Pierce
10 JEAN PIERCE
11

12 STATE OF IDAHO)
13) ss
14 County of Cassia)
15

16 On this 22 day of March, in the year of 1993,
17 before me, the undersigned, a Notary Public in and for said
18 State, personally appeared DALE O. PIERCE AKA DALE PIERCE AND
19 JEAN PIERCE, known or identified to me to be the person whose
20 name is subscribed to the within instrument, and acknowledged to
21 me that they executed the same.
22

23 E. Ruth Thrall
24 Notary Public for Idaho
25 Residing at _____
26 My commission expires on _____

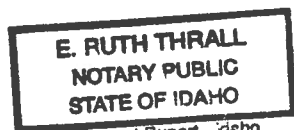


EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ and $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ and $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 243
1993 MAR 29 P 4: 14
CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER
FEE 1200 DEPUTY 111

223777

Copies of changes to go to

Pierce

Thornton

Peak Trust (address on warrants deed)

KKC

Called Jim Johnson & said that transfer 4231
appears to have been data entered incorrectly.
He will check & call back.

Copies of changes to go to

Pierce

Thornton

Peak Trust (address on warrants, deed)

KKC

Called Jim Johnson & said that transfer 4231
appears to have been data entered incorrectly.
He will check & call back.

1-24-94

A 43-10036 - irrigation of 60 Acres
being split into
58 Acres for Thornton
2 Acres for Peak Trust

³⁶
A 43-10048

from Peak Trust to
Thornton

use is for stock water only. Peaks built a
new home & developed a new system for that
property with a 1993 priority date. Kim
Thornton stated that there is no home there now
but that they may rebuild within 2 or three
years. Therefore domestic use is still a valid
use under this claim

Kelly K. Christensen
Kim Thornton

Old (D) Number -

Last Name	First Name	Address
-----------	------------	---------

City- OLYMPIA State- WA Zip- 98502

State- ID Zip- 83342

[illegible]

tributary

[illegible]

(31) CASSIA

Diversion Rate Diversion Volume

04/01 10/31

+ + - KW Usage - +

County

(31) CASSIA

4.0

+ - - - Diversion Means - WELL AND PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Remarks
No Remarks found.

Water right number - R43-10036A

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
4302305
4302455
4302525
4304179

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 08/04/1994, User Id: GIVENS Subject: COPIED FROM REMARKS 43-2525, 43-4179.
THIS CLAIM IS BASED ON THE FOLLOWING WRIS: 43-2305, 43-2455, ***** OWNERSHIP CHANGE - SPLIT A43-10036A - PIERCE CHANGED NAME TO

RALPH PEAK FAMILY TRUST THEN SOLD TO THORNTON A43-10036B 58 ACRES KEEPING 2 ACRES. TRANS. 4231

+ - - Audit Fields - - +
08/04/94 GIVENS

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 03/14/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - X777777 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Aug-1994 11:14

RALPH PEAK FAMILY TRUST
4237 FOREST PARK ST NW
OLYMPIA WA 98502

RE: ADJUDICATION CLAIM(S) A43-10036A -

Dear Claimant(s):

Pursuant to the notification that you have transferred property with the above-referenced Adjudication Claim(s), we have changed the Department's record(s) as you have requested. Please review the record(s) for accuracy.

Should you have any questions, please contact me at this office.

Sincerely,


Judy Givens
Adjudication Secretary

/jg

Enclosures

c.c. Dale O. &/or Jean Pierce
HC 72 Box 2058
Malta ID 83342



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

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09-Aug-1994 11:14

RALPH PEAK FAMILY TRUST
4237 FOREST PARK ST NW
OLYMPIA WA 98502

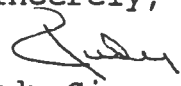
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Sincerely,


Judy Givens
Adjudication Secretary

/jg

Enclosures

c.c. Dale O. &/or Jean Pierce
HC 72 Box 2058
Malta ID 83342



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 3-24-1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- [] 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: Claim A43-10036
- [] Name and Address of Former Owner/Claimant(s)(Seller): Dale O. &/or Jean Pierce
HC 72 Box 83342/ 2058
Malta, ID 83342
- [] New Owner/Claimant (Purchaser): Jay R. &/or Kim Thornton
- [] New Mailing Address: PO Box 635
Malta, ID 83342
- [] New Telephone Number: () 645 - 2557
- [] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
The Ralph Peak Family Trust bought the original 60 acres & immediately
resold 58 acres to the Thorntons (see attached deeds).

- [] Attach proof of ownership, describe proof attached: Deeds

(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) Jay R Thornton Date 1-24-93
Kim Thornton Date 1-24-93
- [] Signature of Former Owner/Claimant(s): Ralph Peak Trustee Ralph Peak Family Trust Date 8-19-93
Ralph F. Peak Trustee Date 8/19/93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 3/19/94 By: JE

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: JE

Claim Numbers of Split, if any:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 22, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RALPH PEAK FAMILY TRUST
20122 18TH AVE NW
SHORELINE WA 98177-2210

RE: Snake River Basin Adjudication (SRBA)

Notice of Claim to a Water Right #43-10036A

Dear Water Right Holder:

6-26-01
response.
already changed and ok.
no
+ 43-2525B-license changed
43-4119B-WR cc: W.A.

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by June 6, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

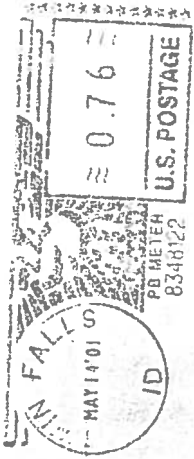
RECEIVED

MAY 21 2001

Department of Water Resources

READ

PEAK237 985022939 1500 05 05/17/01
FORWARD TIME EXP RTN TO SEND
PEAK
20122 18TH AVE NW
SHORELINE WA 98177-2210
RETURN TO SENDER



06/12/2001

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

RIGHT NUMBER: 43-10036A

NAME AND ADDRESS: RALPH PEAK FAMILY TRUST
20122 18TH AVE NW
SHORELINE, WA 98177-2210

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
8 AFY

VERIFIED BY *KKC*

PRIORITY DATE: 09/01/1949

POINT OF DIVERSION: T13S R27E S19 SESWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.04 CFS 8.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R27E S19 SWSE 2

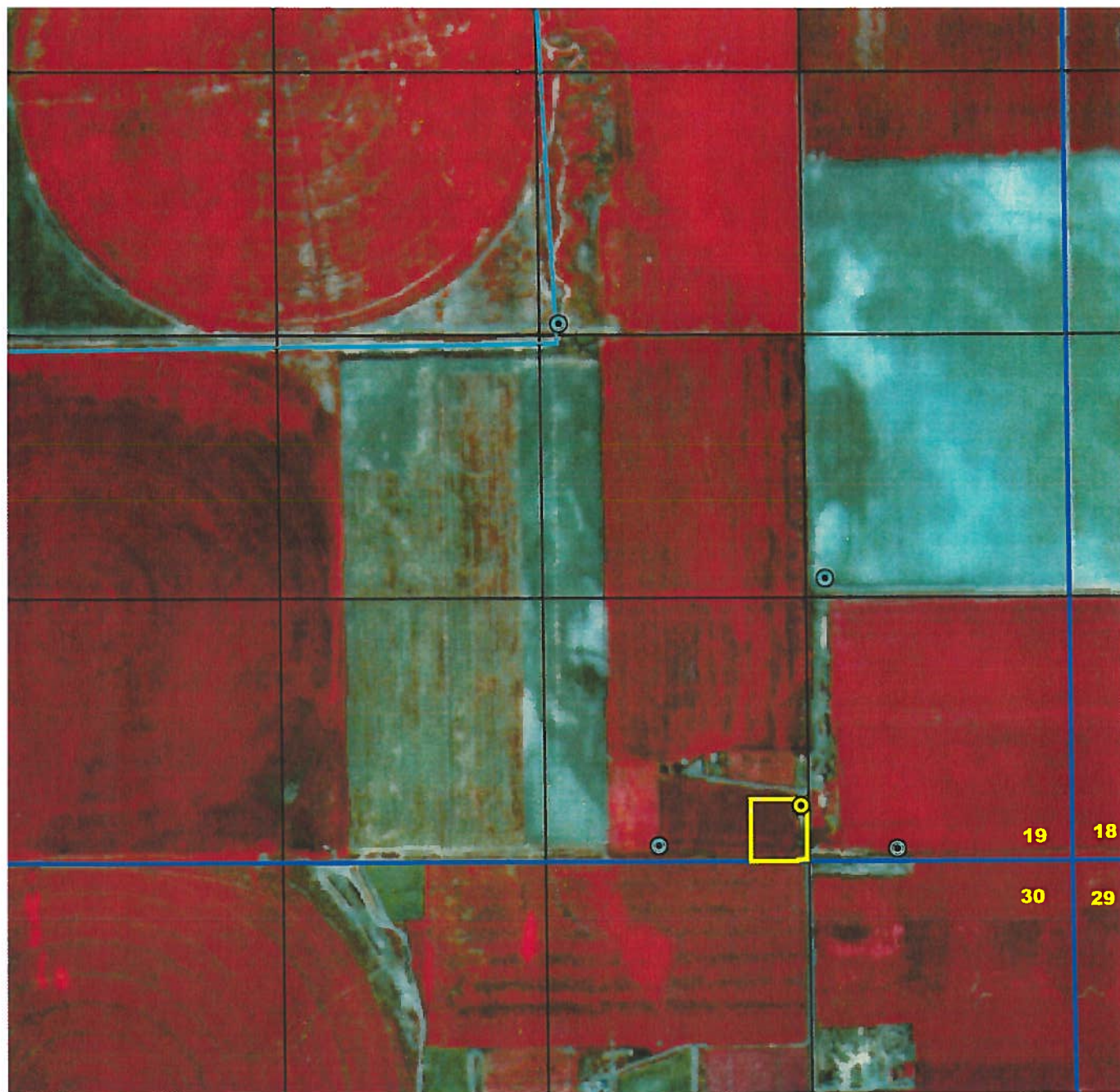
2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECOMMENDED PLACE OF USE FOR 43-10036A



660 0 660 1320 1980 Feet

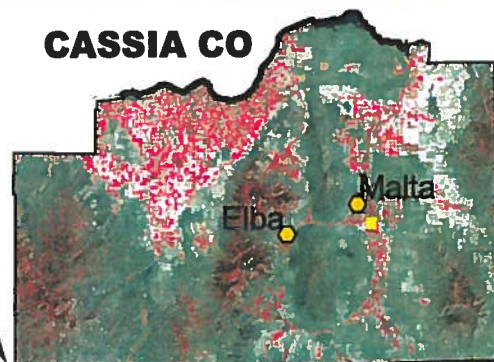
PLACE OF USE
TWP 13S, RNG 27E, SEC 19
Data entry on June 11, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



CASSIA CO





State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

E-mail address: kchrste@idwr.state.id.us

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 12, 2001

RALPH PEAK FAMILY TRUST
20122 18TH AVE NW
SHORELINE, WA 98177-2210

RE: NOTICE OF ERROR RESPONSE FOR 43-10036A

Dear Mary

Enclosed is the updated preliminary recommendation showing the new address and the corresponding layout that shows the shift in the point of diversion.

Please review the changes to confirm that the data entries were correct.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

enclosures

**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: June 15, 2001

Water right number: 43-10036A

RALPH PEAK FAMILY TRUST
4237 FOREST PARK ST NW
OLYMPIA WA 98502
Telephone Number: (208) 856-9375

20122 18TH AVE NW
SHORELINE, WA 98177-2210
206-546-6197

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
THE POINT OF DIVERSION AS SHOWN ON THE COLORED AERIAL PHOTO DOES NOT AGREE WITH THE LOCATION OF OUR WELL. THE WELL IS ABOUT 50' WEST OF THE EAST BOUNDARY AND 25' SOUTH OF THE NORTH BOUNDARY.
2. Describe the changes you wish to make in the proposed recommendation:
PLEASE INDICATE THE WELL AS BEING IN THE NORTH EAST AREA OF THE PROPERTY APPROXIMATELY AS SHOWN 
3. Give a brief explanation as to why you disagree with these portions:
WHEN OUR WELL WAS DRILLED IN 1993 THE DRILL RIG WAS LOCATED SO AS TO ALLOW PROPER SANITARY DISTANCE FROM A SEPTIC TANK AND DRAIN FIELD WHICH WAS MORE TO THE SOUTH PART OF THE PROPERTY
I AGREE with this proposed recommendation: no changes need to be made.

DATE: MAY 30, 2001

SIGNATURE:

Ralph F. Peak Trustee Mary Lou Peak Trustee

Please print your name:

RALPH F. PEAK TRUSTEE
MARY LOU PIERCE PEAK TRUSTEE

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208) 736-3033

RECEIVED
JUN 06 2001
Department of Water Resources
Southern Region

02/20/2001

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

RIGHT NUMBER: 43-10036A

NAME AND ADDRESS: RALPH PEAK FAMILY TRUST
4237 FOREST PARK ST NW
OLYMPIA, WA 98502

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
8 AFY

PRIORITY DATE: 09/01/1949

POINT OF DIVERSION: T13S R27E S19 SESWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.04 CFS
8.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R27E S19 SWSE 2

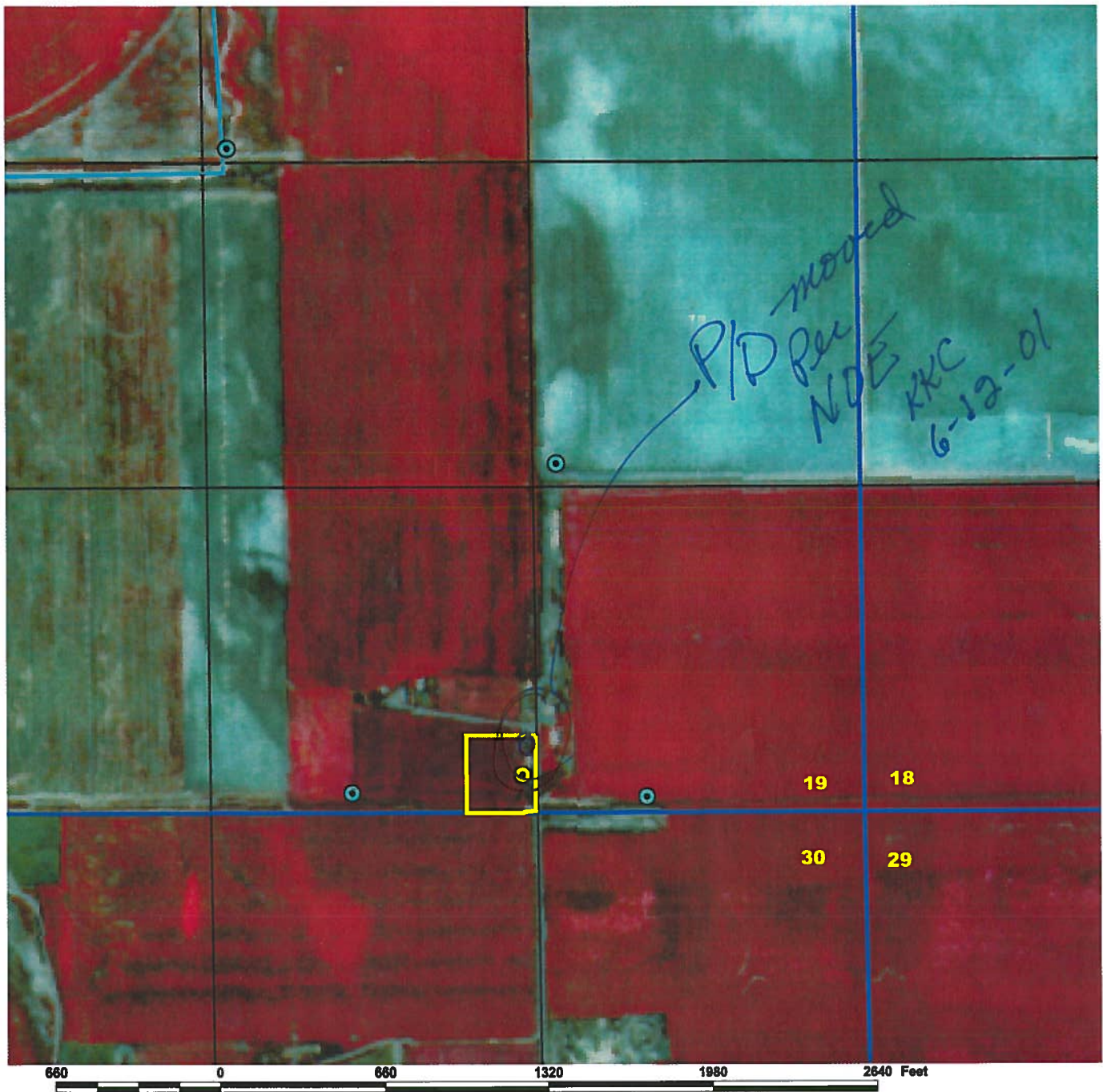
2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

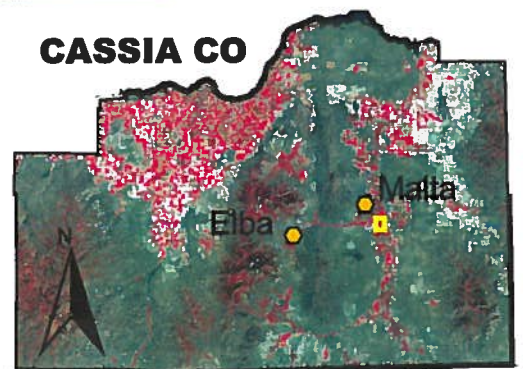
RECOMMENDED PLACE OF USE FOR 43-10036A



PLACE OF USE
TWP 13S, RNG 27E, SEC 19
Data entry on February 20, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, January 12, 2000 9:57 AM
To: King, Scott
Subject: RE:

Scott,
I finally found that file (Kelly has it now for some reason) and I don't think anything more is needed with only .04 cfs on 2 acres. He's done some preliminary work on analyzing the transfer etc. He's on the phone or I'd ask him, to make sure he agrees, but I think they're okay...

-----Original Message-----

From: King, Scott
Sent: Wednesday, January 12, 2000 9:30 AM
To: Robertson, Jean
Subject:

Jeanie,
Can you quickly check into A43-10036A and tell me if we need data. Looks like 2 acres of irrigation, .04 cfs, and likely based on Licenses after looking at the remarks. It was in Doug's final selection, but remarks lead me to believe we don't need data. Ralph Peak called Monday, and I need to respond soon.

Thanks!

Scott

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form
Flow Analysis Performed by: **Cindy Bird**

ed 1/6/2000

Date: **2/8/00**

Page 1 of 1

Record ID	77	Measured Flow:	0.07 cfs
Water Right No.	A43-10036A	Designed Flow:	
Name	Ralph Peak Family Trust	HP/Eff Flow:	0.19 cfs <--Max
pod	13S27E19SWSWSE	Sprinkler Flow:	
year:	1994	Pivot/System Flow:	
Flow Measurement: 30 gpm = 0.07 cfs			
Curve/Pump Design: gpm =			
Horsepower / Efficiency Method			
Horsepower	5 hp		
PWL	70 ft		
Disch Psi	45 psi		
PUMP Eff Estimate	0.73 %		
TDH	174 ft		
OHP	3.65 hp		
Flow	83 gpm	=	0.19 cfs
System Method:			
No Lines	16	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line	5	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	80	r=	0.0000 ft Nozzle radius
Nozzle size	in	A=	0.00000 ft^2 Nozzle area
Nozzle pressure	psi	h=	0 ft Head
Flow per nozzle	0.00 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0 gpm	Q=	0.000 cfs Flow per nozzle
Percent Leaks	%	=	0.000 gpm Flow per nozzle
Total Flow	0 gpm	=	
Pivot / System rating	gpm	=	

Comments / Data Supplied:

2/8/00 cb
Form returned 1/18/00
This is a small 2 acre claim, 0.04 cfs.

Dg

RECEIVED

JAN 18 2000

Idaho Department of Water Resources
Adjudication Bureau

December 6, 1999 Department of Water Resources

A4310036A

RALPH PEAK FAMILY TRUST

13S27E19SWSWE

4237 Forest Park Street NW
Olympia, WA 98502

Daytime Phone 360-866-9375

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: Approx 30 GPM (cfs or gpm) During the irrigating Season
Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

Note: This well is a new point of diversion for two acres of the property which was separated off in 1992 from the original forty acres of Mrs Mary Lou Pierce Peak's parent's ranch. Jess Pierce, the previous owner was the father of Mary Lou Pierce. This measurement is based on the present irrigation system for the two acres. Present use of the favorable ground is to raise hay.

Original owner was Jess Pierce's father James Pierce

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.

These data are filed in the house at the property. If necessary I can retrieve them. The pump is a single phase 220 volt, 5 HP pump. It is set at approximately 180 feet below surface. The pump is delivering enough water for ten sprinkler heads to operate at one time delivering approximately 45 psi. The measured water level at the time of installation was 70 feet. No measuerments of drawdown have been made.

3) Pumping system characteristics:

Diversion rate can be determined by using power, pumping lift, discharge pressure, and estimated pumping efficiency. If the system has changed over time, you can provide information for several system configurations.

Year	Well pump motor horsepower	Booster pump(s) motor horsepower	Depth to water, pump off (ft)	Depth to water, pump on (ft)	Discharge pressure (psi)
1994	5 (?)	NA	70	70 (?)	40 on 60 off
Note this pump serves both domestic and irrigation needs. At the time of irrigation use it delivers 45 psi on a continuous basis without the on-off cycling of the pressure control.					

4) Irrigation System:

Please provide description of the water delivery system. State number of lines and birds, nozzle size, and operating pressure(s) of impact-type sprinkler systems; designed rated flow for pivot systems. As above, if various systems have been used through the years, provide year as well. Example:

1963 to 1974 – Well pump open discharges to ditches for flood irrigation using 50 siphons per set. Siphons were 1.5 inch diameter, 5 feet long.

1975 to 1984 – Six wheel lines with 32 birds per line, 5/32 inch nozzles operating at 60 to 70 psi at the sprinklers.

1985 to present – Eight tower center pivot with impact sprinklers and end gun, no corner catcher, designed for 1150 gpm. Also solid set hand lines in corners which operate separate of the pivot, operating a total of 250 birds per set, 9/64 inch nozzles operating at 65 to 75 psi at the sprinklers.

Mr Jess Pierce had been irrigating the forty acres with either surface water or a pump driven by a tractor power-take-off in a relatively shallow well at the time I courted my wife, Mary Lou Pierce, in 1951.

After that time, when the water table sank, Jesse and Dale Pierce had a well drilled and used the typical large horsepower pumps to deliver water to the forty acres.

This point of diversion and the flowrates are filed under the name of the present owners, Jay and Kim Thornton of Malta Idaho.

1994-6 present, There are 16 lines of five sprinkler heads. These are operated two lines at a time in rotation, controlled by automatic timers. Each pair of lines are "on" for four hours a day or less depending upon the weather.

It works out to about 24 hours of sprinkling per set per week, much like wheel lines or other sprinkling systems

5) Other information:

Please also include any other information that you feel may indicate maximum historic diversion rate for your well.

See attached

Idaho Department of Water Resources
Adjudication Bureau.

Attachment to information request of December 6, 1999

A4310036A
Ralph Peak Family Trust
13S27E19SWSE

(5) Historic diversion rate:

This property was originally owned by the grandfather of Mrs Mary Lou Pierce Peak. It was one of the "Century Farms" as being owned for over 100 years by the same family. At the time of the original ownership, the Raft River ran through the property, and there was a large spring about 100 yards to the west of the forty acres from which these two acres were separated. Jess Pierce irrigated his hay ground from the Raft River until upstream water demands required him to pump lift ground water for his property.

At the time Mary Lou Pierce and I were courting in 1951, the lift pump was still able to be driven by a tractor with a power take off from a relatively shallow well. This irrigated the hay and crop producing part of the forty acres which belonged to Jess and Lois Pierce. This was high line ditch and siphon or dam type of irrigation. The property was later transferred to their son, Dale Pierce, who grew hay and feed for his cattle, and used the area in the winter as a pasture for his stock. We were away from the area during most of the 50's to 1980's period, but there was a deep well drilled, and an electrically driven large pump was installed. This included the installation of underground feeder lines and risers to supply both wheel lines and hand set lines.

We purchased the entire property in 1993, and resold the larger part and the grazing rights to Jay and Kim Thornton of Malta. To control our own irrigation, we had a well drilled for combined domestic and agricultural purposes. The application requested a continuation of the appropriate share of the water right from the original forty acres. The well was completed in the fall of 1993, and we installed a pump in the well in 1994, use of this well for domestic and agricultural needs began in the year 1994.

The proportional splits of the licensed rights indicated in the claim total 0.34 cfs more than the claimed rate of 1.15 cfs (1 inch to the acre per claimed acres) Status of 43-03179 not clear at this time.

AJQ4 search to identify rights within the listed quarter/quarter.
 Prepared by Kelly K Christensen
 July 23, 1999
 C:\Data\basin data\b43\13s-27e-s19-swse ralph peak trust 43-10036etal.doc

New0604-2 Township: 13S Range: 27E Section: 19 Tract: SWSE Lot:

S	L	STATE	O	S	Max # Records
E	O	Water	Name	W	T Priority Use
L Tract T	Right No.	Last, First	N	AC	G Date Code Desc

SWSE	A43-02305	PIERCE, A D	O	10	L 01/31/1948 01 IRR
		CHAPMAN, SHERL L	R		
		PIERCE, EST OF A D	O		
		PIERCE, JACK A	C		
SWSE	A43-10568	CHAPMAN, SHERL L	R	10	D 04/01/1871 01 IRR
		WARR, CHARLES	O		
		ALBION-IDAHO LAND CO	O		
		WARR ET AL, CHARLES	O		
		PIERCE, JACK A	C		
SWSE	A43-02455	PIERCE, A D	O	3	L 02/08/1957 01 IRR
		PIERCE, BEULAH	O		04 STOCK
		PIERCE, JACK A	C		
		CHAPMAN, SHERL L	R		
SWSE	A43-10571	PIERCE, JACK A	O		D 04/01/1871 04 STOCK
		CHAPMAN, SHERL L	R		
		C BAR CATTLE CO	C		
SWSE	A43-10798	CHAPMAN, SHERL L	R	10	D 04/01/1871 01 IRR
		ALBION-IDAHO LAND CO	O		
		WARR, CHARLES	O		
		WARR ET AL, CHARLES	O		
		PIERCE, JACK A	C		
SWSE	A43-10036A	PIERCE, DALE O	O	2	J 09/01/1949 01 IRR
		RALPH PEAK FAMILY TRUS	C		
SWSE	A43-10036B	PIERCE, DALE O	O	28	J 09/01/1949 01 IRR
		THORNTON, JAY R	C		04 STOCK
SWSE	A43-10048	PIERCE, DALE O	O		J 12/31/1880 43 DOMEST
		PIERCE, JEAN	O		04 STOCK
		THORNTON, JAY R	C		
		THORNTON, KIM	C		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Region Hybrid

RECEIVED

TRANSFER OF WATER RIGHT

FEB 23 1994

TRANSFER NO. 4231

WATER RIGHT NO(S). 43-02525B/43-04179B

Department of Water Resources

Southern Region Office

This is to certify that: **RALPH PEAK FAMILY TRUST**
4237 FOREST PARK ST NW
OLYMPIA WA 98502

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 43-02525B :			
IRRIGATION	04/01 to 10/31	0.04 CFS	8.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
Priority: 05/26/1961			

Right No. 43-04179B :			
IRRIGATION	04/01 to 10/31	0.04 CFS	8.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
Priority: 09/01/1928			

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 19, Township 13S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	27E	19	SWSE	2		2
Total number of acres irrigated:						2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4231
WATER RIGHT NO(S). 43-02525B/43-04179B

CONDITIONS/REMARKS:

3. Approval of this transfer in no way confirms the right(s) claimed.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Domestic use is for 1 home.

Dated this 14th day of February, 1994.

J. Glen Saxton
Chief, Water Alloc. Bureau