

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

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

1. Name: JAY R THORNTON 208-645-2557
Address: PO BOX 635
MALTA ID 83342

Name: KIM THORNTON 208-645-2557
Address: PO BOX 635
MALTA ID 83342

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	1.150		
STOCKWATER	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/120 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	19	NW	SE		IRR	30.0
			SW	SE		IRR	28.0
Section Acres							58.0
Total Acres							58.0

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)

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 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: 8/9/94

By: IC

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By: IC

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)

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) _____

Date 1-24-93

Date 1-24-93

☐ Signature of Former
Owner/Claimant(s): _____

Date 8-19-93

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: 3/24/94 By: TC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: TC

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

Snake River 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 Saylor
Chief, Water Alloc. Bureau

WARRANTY DEED

THIS INDENTURE, made this 24 day of March, 1993,
between THE RALPH PEAK FAMILY TRUST, 4237 Forest Park Street,
Northwest, Olympia Washington 98502, hereinafter called the
"Grantors", JAY R. THORNTON and KIM THORNTON, husband and wife,
Box 635, Malta, Idaho 83342, 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

1
2
3 Power with Raft River Rural Electric recorded April 6,
4 1978 as Instrument No. 106395 on Film No. 116, records
5 of Cassia County, Idaho, and Agreement for Electric
6 Service with Raft River Rural Electric recorded August
7 1, 1990 as Instrument No. 208791 on Film No. 218,
8 records of Cassia County, Idaho.
9

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

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

20 The Grantors shall and will warrant and by these
21 presents will forever defend the said premises in the quiet and
22 peaceable possession of the Grantee, and the Grantee's
23 successors and assigns, and against all and every person and
24 persons whomsoever lawfully claiming the same, except as
25 aforesaid.
26

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

5 THE RALPH PEAK FAMILY TRUST

6 By Ralph F. Peak
7 Trustee

8 By Mary Lou Peak
9 Trustee

10 STATE OF IDAHO WASHINGTON)
11 County of CASSIA) ss

12 On this 24 day of March, in the year 1993, before
13 me, the undersigned, a Notary Public in and for said State,
14 personally appeared RALPH F. PEAK and
15 MARY LOU PEAK, known or identified to me to be the
16 persons whose names are subscribed to the within instrument as
17 TRUSTEES and acknowledged to me that they
18 executed the same as such Trustees for THE RALPH PEAK FAMILY
19 TRUST.
20
21
22
23
24
25
26

27 WILLIAM A. PARSONS
28 NOTARY PUBLIC
29 STATE OF IDAHO
30 Residing at _____, Idaho
31 My Commission Expires 7/22/98

32 William A. Parsons
33 Notary Public for Idaho
34 Residing at _____
35 My commission expires on _____
36

EXHIBIT "A"

PARCEL NO. 1:

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

Section 19: ~~E½NW½SE¼~~ and ~~E½W½NW½SE¼~~

PARCEL NO. 2:

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

Section 19: ~~E½W½SW½SE¼~~ and ~~E½SW½SE¼~~ EXCEPTING therefrom the
following described property:

Beginning at the Southeast corner of the
SW½SE¼ of Section 19, said corner marked by a
5/8 inch rebar which shall be the Point of
Beginning;

Thence North 89°42'25" West along the section line
for a distance for 291.38 feet;

Thence North 00°01'39" West for a distance of
298.99 feet;

Thence South 89°42'25" East for a distance of
291.38 feet;

Thence South 00°01'39" East along the East line of
the SW½SE¼ for a distance of 298.99 feet to the
Point of Beginning.

Peak Trust →

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

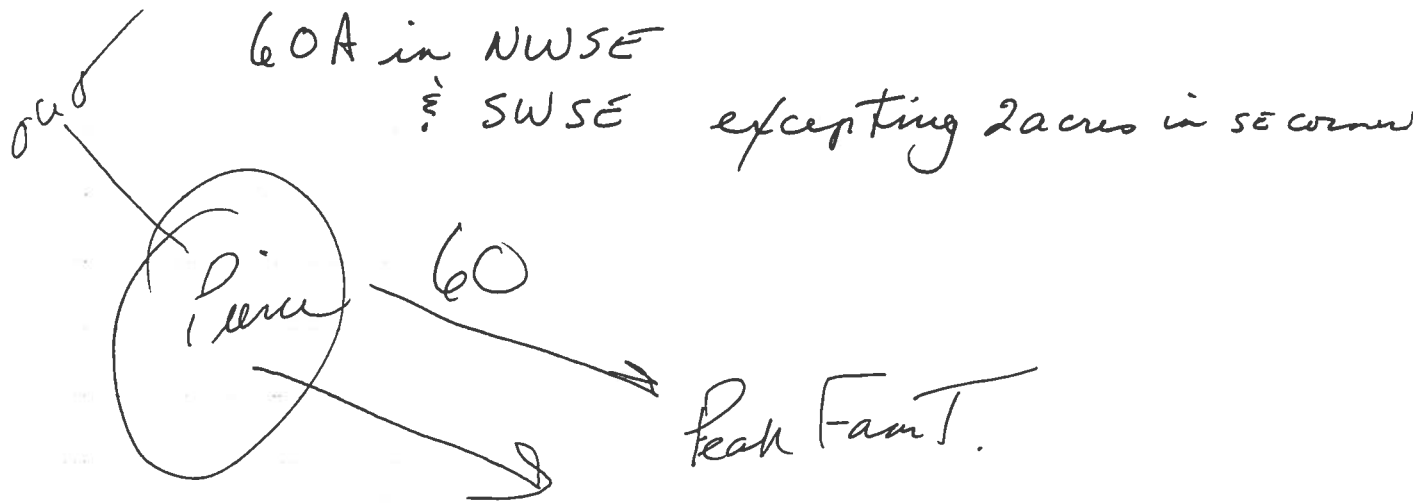
from Peak Trust to
Thornton

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

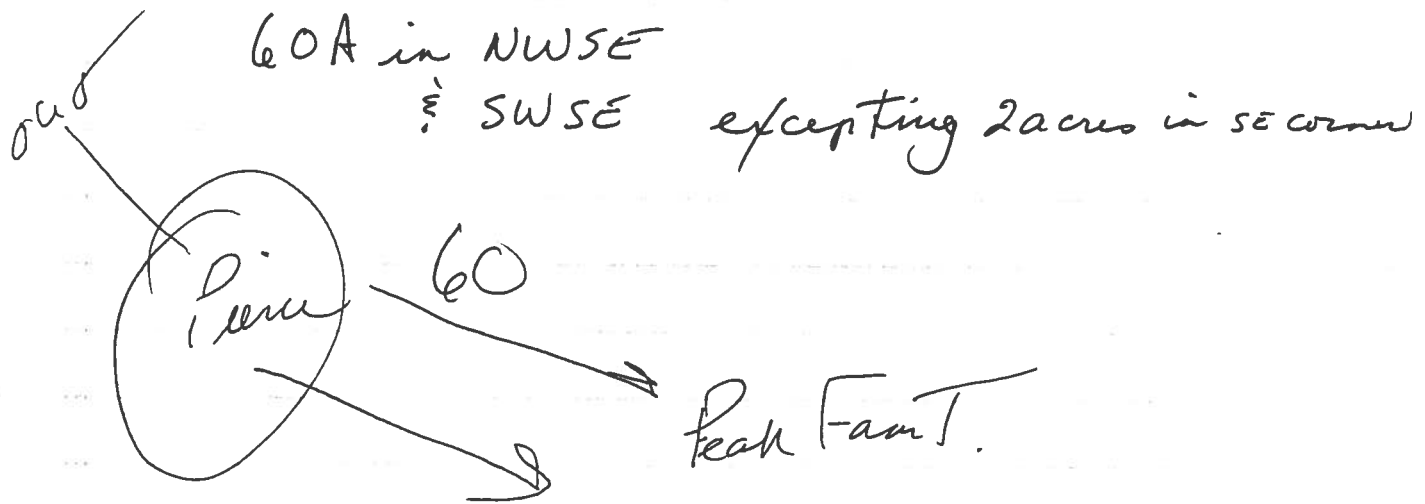
Prere
~~Peak~~ Fan to Peak Fan

Trust to Thornton
Pe ~~Thornton~~ to ~~Peak~~



~~Pea~~ ^{Trus} Fam to Peak Fam.

Pea ^{Trus} ~~Thurston~~ to ~~Pea~~ ^{to Thurston}



Water Right Number - R43-100368

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

THORNTON JAY R

THORNTON

KIM

1 - PO BOX 635
2 -
3 -
City- MALTA
Phone - 208-645-2557
1 - PO BOX 635
2 -
3 -
City- MALTA
Phone - 208-645-2557

State- ID Zip- 83342

*** O - ORIGINAL OWNER ***
PIERCE

DALE O.

1 - HC 72 BOX 2058
2 -
3 -
City- MALTA
Phone - 208-645-2523

State- ID Zip- 83342

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

09/01/1949 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

GROUNDWATER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	Rflg	County
13S	27E	19	SW SW SE		(31)	CASSIA

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		1.200	
04 - STOCKWATER		01/01	12/31		0.050	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

1.250 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	19	NW SE		30.0		01	IRRIGATION	(31) CASSIA
13S	27E	19	SW SE		28.0		01	IRRIGATION	(31) CASSIA

Total Acres: 58.0

+ - - Diversion Means - WELL, PUMP & SPRINKLERS

+ - - Non-Irrigation Use - S/120 CATTLE

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

JAY R &/OR KIM THORNTON
PO BOX 635
MALTA ID 83342

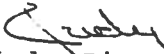
RE: ADJUDICATION CLAIM(S) A43-10036B

Dear Claimant(s):

Pursuant to the notification that you have purchased 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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Aug-1994 11:14

JAY R &/OR KIM THORNTON
PO BOX 635
MALTA ID 83342

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Judy Givens
Adjudication Secretary

/jg

Enclosures

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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 _____.
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- ☐ 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 O. &/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
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- ☐ 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 8/1/93
Ralph F Peak Trustee " " Date 8/1/93
- ☐ 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: 8/1/94 By: IC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: IC

Claim Numbers of Split, if any:

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

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

02/20/2001

RIGHT NUMBER: 43-10036B
NAME AND ADDRESS: JAY R THORNTON
KIM THORNTON
PO BOX 635
MALTA, ID 83342

SOURCE: GROUND WATER

VERIFIED BY KKC

QUANTITY: 1.21 CFS
232 AFY

PRIORITY DATE: 09/01/1949

POINT OF DIVERSION: T13S R27E S19 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.16 CFS
STOCKWATER	01-01 12-31	232.00 AFY 0.05 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R27E S19	NWSE	30	T13S R27E S19 SWSE 28
<u>STOCKWATER Within CASSIA County</u>			
T13S R27E S19	NWSE		T13S R27E S19 SWSE

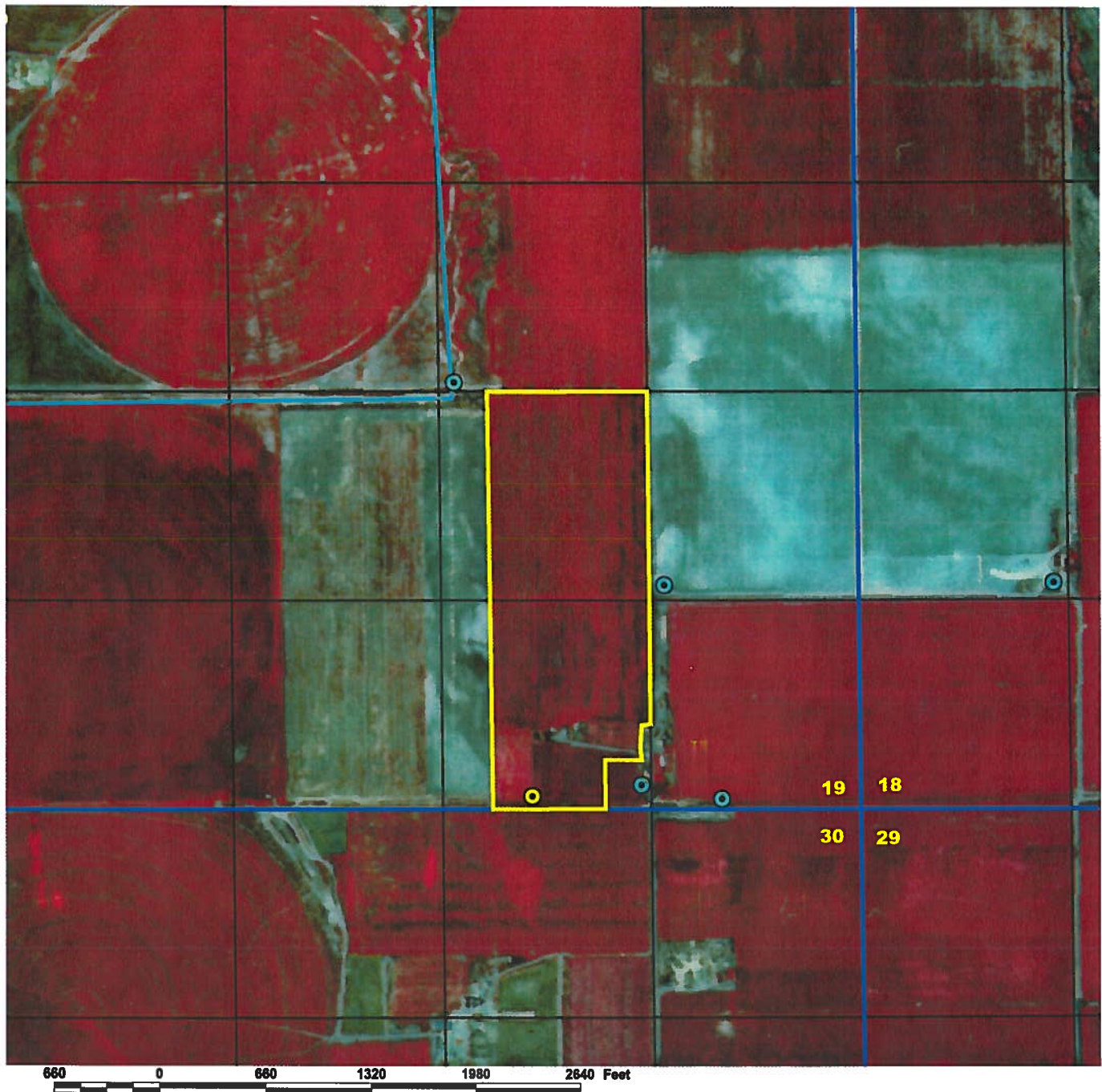
58 ACRES TOTAL

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

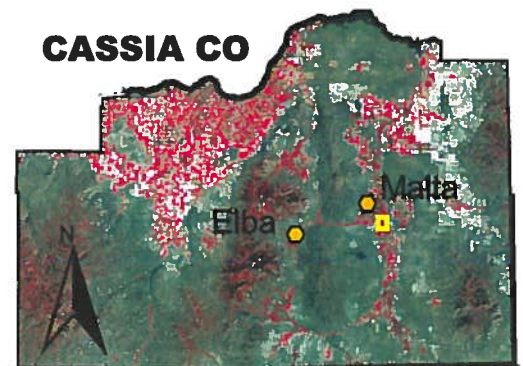
RECOMMENDED PLACE OF USE FOR 43-10036B



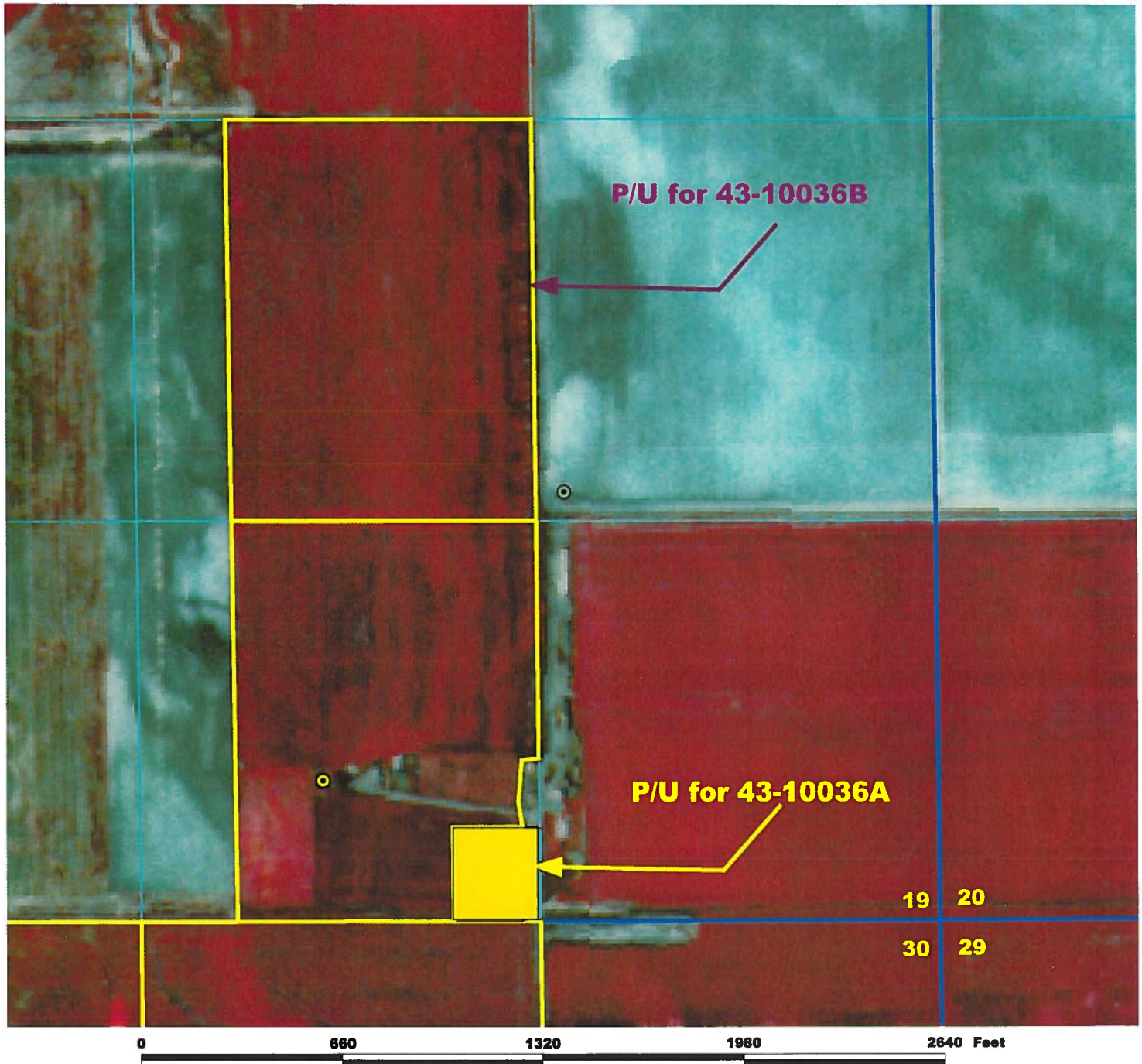
PLACE OF USE
TWP 13S, RNG 27E, SEC 19
Data entry on February 20, 2001

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**



PRELIMINARY PLACE OF USE 43-10036 A & B



TWP 13S, RNG 27E, SEC 19
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____
GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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

CASSIA CO.



861
T1594

9
143.0

WHEEL

10
143.

2587.

T1

1
48.5

WHEEL

22 NW

2
10.0

WHEEL

1
70.1

19 20
30 + 29

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	135
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
		THORTON, JAY R	C			
		THORTON, KIM	C			

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Well pump, sprinklers (new well to drilled)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes N/A No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

d. Remarks:

Claim A93-10036 covers all the groundwater used in the East 60 acres of the W 1/2 SE 1/4 Sec. 17 except for domestic use. Claim A93-10048 covers stock domestic use, which will now be served by the new well. The old house will be moved to our 2 acres. New well drilled under permit 42-92-S-0017-000 for domestic use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-10036 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date or priority 9-1-1999

5. Water is used for the following purpose:

amount 1.28 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount 0.05 cfs for Stockwater purposes from 1-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.25 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	19	13S	27E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
13S	27E	19															30	30	60

Total acres 60

9. Describe any other water rights used for the same purpose as described above _____

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</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

Copies of changes to go to

Pierce

Thornton

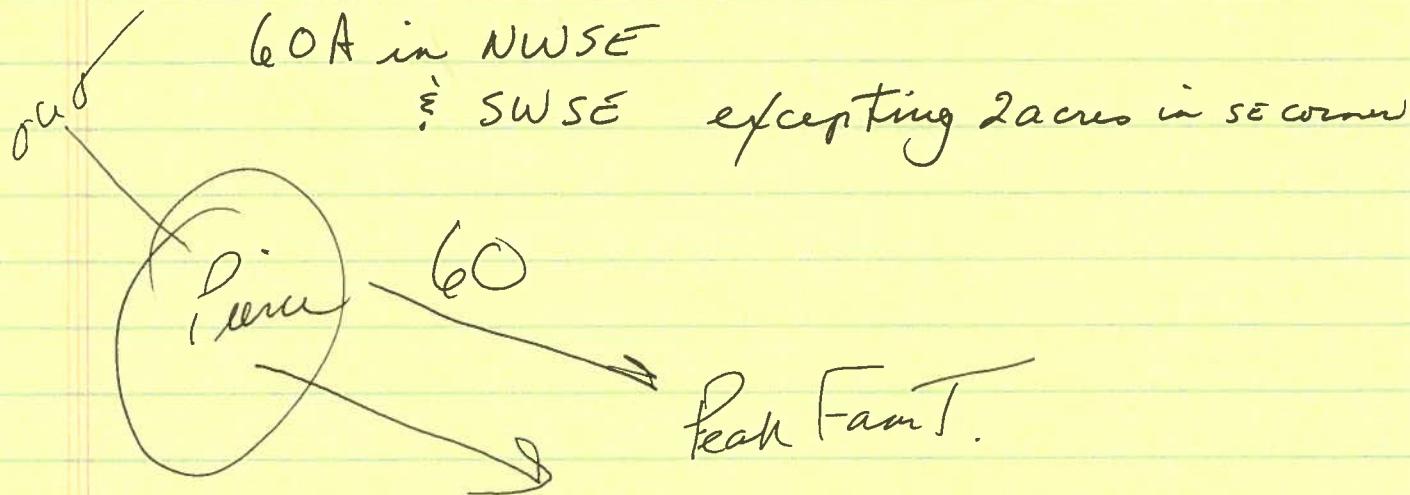
Peak Trust (address on warrants, deed)

KKC

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

Piera
~~Peak~~ Fam to Peak Fam

Trust to Thornton
Pe ~~Thornton~~ to ~~Peak~~



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