

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: A37-00016
Date Received: 9/27/1988
Receipt No: 500 2560
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PETERSON FARMS 208-823-4425
Address: BOX 67
CAREY, ID 83320
2. Date of Priority: MAY 01, 1883
3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	21E	30	NW	SW	SE		BLAINE
01S	21E	16	NW	NW	NW	R	BLAINE
			SE	NW	NW	R	BLAINE
			SE	SW	NW	R	BLAINE
			NE	NE	SW	R	BLAINE
			NE	SW	SE	R	BLAINE
		22	NW	SW	NW	R	BLAINE
		27	SW	SW	NE	R	BLAINE

5. Description of diverting works:
VIA EAST CANAL, HEADGATES, & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.200		

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

A.F.A.

8. Total consumptive use is 1468.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00016

Page 1

Date: 09/27/88

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	21E	16	NE		NW		IRR	38.4
			NW		NW		IRR	33.4
			SW		NW		IRR	36.8
			SE		NW		IRR	34.0
			NE		SW		IRR	36.3
			NW		SW		IRR	30.0
			SW		SE		IRR	38.2
			SE		SE		IRR	38.6
							Section Acres	285.7
		21	NE		NE		IRR	38.6
			NW		NE		IRR	38.6
							Section Acres	77.2
		22	NE		SW		IRR	34.6
			NW		SW		IRR	18.7
							Section Acres	53.3
		26	SW		NE		IRR	34.0
			SW		NW		IRR	39.0
			SE		NW		IRR	39.0
							Section Acres	112.0
		27	SW		NE		IRR	19.5
			SE		NE		IRR	39.0
							Section Acres	58.5
							Total Acres	586.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
SEE #A37-00702 REMARKS

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Partner of
Title
Peterson Farm 5, that I have signed the foregoing
Organization
document in the space below as Partner of
Title
Peterson Farm 5 and that the statements contained in the
Organization
foregoing document are true and correct.

L. James Peterson
Signature of Authorized Agent

Partner Peterson Farm 5
Title and Organization

9-27-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl Id

My Commission Expires 6-30-94

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	21E	16	NE	NW		IRR	38.4
			NW	NW		IRR	33.4
			SW	NW		IRR	36.8
			SE	NW		IRR	34.0
			NE	SW		IRR	36.3
			NW	SW		IRR	30.0
			SW	SE		IRR	38.2
			SE	SE		IRR	38.6
					Section Acres	285.7	
		21	NE	NE		IRR	38.6
			NW	SE		IRR	38.6
					Section Acres	77.2	
		22	NE	SW		IRR	34.6
			NW	SW		IRR	18.7
					Section Acres	53.3	
		26	SW	NE		IRR	34.0
			SW	NW		IRR	39.0
			SE	NW		IRR	39.0
					Section Acres	112.0	
		27	SW	NE		IRR	19.5
			SE	NE		IRR	39.0
					Section Acres	58.5	
					Total Acres	586.7	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER WATER RT. A37-02499, A37-00016, A37-00017A, A37-00019, A37-00304. THESE RTS WERE NOT ALL DECREED TO ALL THIS LAND BUT HAVE BECOME A PART OF ONE SYSTEM OF PUMPS AND SPRINKLERS. ALL THIS WATER IS COMBINED AND ADDED TO THE STORAGE WATER FOR DELIVERY. CANAL CERT. #656, 2 SHARES; #716, 1/4 SHARE; #791, 7-1/2 SHARES; #823, 15-7/8 SHARES; #846, 5-1/2 SHARES. TOTAL STORAGE 1686 AC-FT. OTHER WR. IS A37-02515A, A WELL. A37-00702 IS THE REFERENCE RT. TO THE ABOVE WR.

A37-00016

MICROFILMED
FEB 22 1993

15, 21E,

A37-00016

P/D

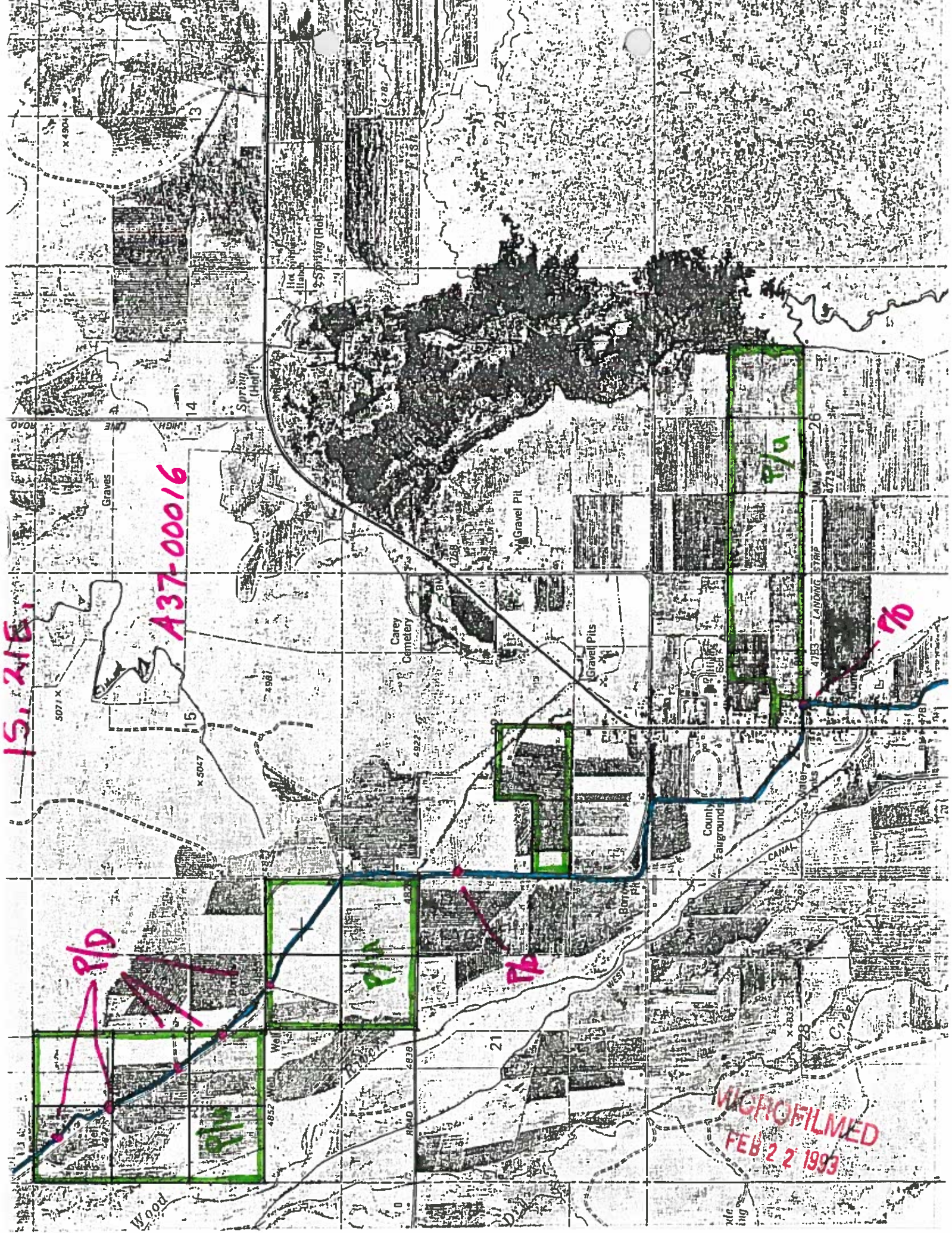
P/A

P/D

P/A

P/D

MICROFILMED
FEB 22 1993



Clelland, Steve

From: Fritschle, Carter
Sent: Thursday, October 27, 2005 10:56 AM
To: Clelland, Steve
Cc: Spencer, Nick
Subject: FW: Peterson Farms Transfer

Steve,

Do you think it is possible to have the large Permissible POU when you add in the canal shares?

Carter

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

From: Stanton, Jim
Sent: Thursday, October 27, 2005 10:49 AM
To: Fritschle, Carter
Cc: Stanton, Jim
Subject: RE: Peterson Farms Transfer

Hey, Carter - This transfer was created directly in Workflow, so you can see the details there. I can have the ArcView map scanned when Mary gets back (she is out sick) if you need it. I heard you were looking at these rights and had some problems, so I have been meaning to work on this one once the recommendations were done; let me know how you want to proceed. From what Peterson told me, they have plenty of water for farming due to their canal shares. It may be impossible to figure out what is really going on up there, since they can apparently move canal water any place they want within the system.

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

From: Fritschle, Carter
Sent: Thursday, October 27, 2005 10:36 AM
To: Stanton, Jim
Cc: Clelland, Steve; Spencer, Nick
Subject: Peterson Farms Transfer

Hi Jim,

We are trying to figure out whether or not to include the Peterson Farms claims that are part of Transfer Application No. 71902 in the Basin 37 Part 1 SW Director's Report. Claims for 37-16, 37-17A, 37-19 and 37-702 have been claimed with a very large permissible POU that we are having a bit of trouble justifying. Claim 37-304 has also been thrown in to add more interest since the claimants do not own the decreed POU for 37-304. Our dilemma is that if we include it now, we will have to file a NAP and let the transfer resolve the issues that we have with it. If we wait to file it in Basin 37 Parts 2 or 3, there will be a lot of pressure to complete the processing of the transfer within the next few months.

Would it be possible for you to have the transfer application scanned and emailed to Steve and me? That way we could see if the transfer will resolve our questions, or add to them.

Thanks, Carter

10/27/2005

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

RIGHT NUMBER: 37-16

NAME AND ADDRESS: PETERSON FARMS
PO BOX 67
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.200 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION:

T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.200 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S26	SWNE	34.0	T01S R21E S26	SWNW	41.0
T01S R21E S26	SENW	41.0	T01S R21E S27	SWNE	18.0
T01S R21E S27	SENE	41.0			

175 ACRES TOTAL

175

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 37-16, 37-17A & 37-19.

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.

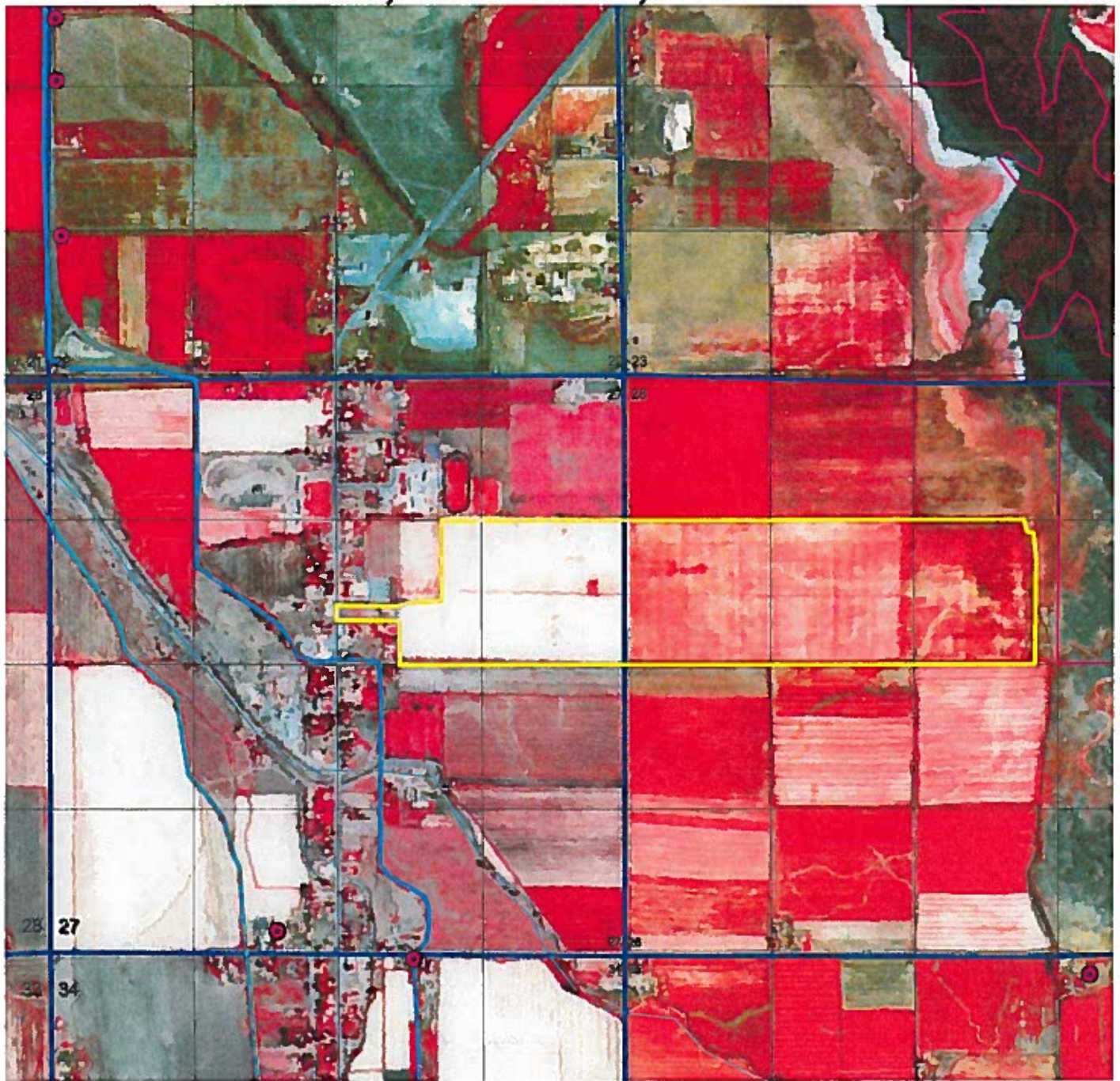
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Little Wood River Irrigation Dist.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPT OF WATER RESOURCES

37-16, 37-17A, 37-19



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 21E
SEC: 26 & 27



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: OCTOBER 28, 2005

6/15/04_{SCC}

37-16	2.2 cfs	} 3.58 cfs
37-17A	0.98 cfs	
37-19	0.4 cfs	
37-304	0.8 cfs	
37-702	1.8 cfs	

initial review of the rights indicate -16-17-19 all are decreed to the same POA. Claimant has tried to enlarge the decreed use way beyond the acres decreed. POA lands in Sec. 16 were not part of any of these decrees (see ^{REVIEW MAP} grey map). No ownership is established for 37-304 by this claimant. (see Notes on transfer in file)

Plan to limit POA to the decreed areas and if desired, claimant may file enlargement claims to expand the use from there or file Transfers.

Claimant only owns (and claims) $\frac{1}{2}$ the land under 16-17-19 rights.

8/17/05 Sec 16 NWNW 37-2503 unclaimed (per Matt A)

9/15/05 phone conversation w/ Mary Peterson
- I told her about the proof of ownership needed for 37-304. she will check it out and call me back. I also told her about the need to claim 37-2503 - she was aware of this right.

(See also transfer #71902)

15. 21E

A37-00016

REVIEW
MAP

6/15/04

300

37-16 }
37-17 }
37-19 }
37-20 }
37-21 }
37-22 }
37-23 }
37-24 }
37-25 }
37-26 }
37-27 }
37-28 }
37-29 }
37-30 }
37-31 }
37-32 }
37-33 }
37-34 }
37-35 }
37-36 }
37-37 }
37-38 }
37-39 }
37-40 }
37-41 }
37-42 }
37-43 }
37-44 }
37-45 }
37-46 }
37-47 }
37-48 }
37-49 }
37-50 }

37-702

304

70

MICROFILMED
FEB 22 1993

01S	21E	16	NE	NW	IRR	38.4	
			NW	NW	IRR	33.4	
			SW	NW	IRR	36.8	35
			SE	NW	IRR	34.0	
			NE	SW	IRR	36.3	(GW)
			NW	SW	IRR	30.0	-2499
			SW	SE	IRR	38.2	25
			SE	SE	IRR	38.6	

Section Acres 285.7

21	NE	NE	IRR	38.6	{40} GW
	NW	SE	IRR	38.6	

Section Acres 77.2

22	NE	SW	IRR	34.6
	NW	SW	IRR	18.7

Section Acres 53.3

26	SW	NE	IRR	34.0
	SW	NW	IRR	39.0
	SE	NW	IRR	39.0

Section Acres 112.0

27	SW	NE	IRR	19.5
	SE	NE	IRR	39.0

Section Acres 58.5

Total Acres 586.7

*Copied from
37-702 Remarks
11-1-02
su*

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER WATER RT. A37-02499, A37-00016, A37-00017A, A37-00019, A37-00304. THESE RTS WERE NOT ALL DECREED TO ALL THIS LAND BUT HAVE BECOME A PART OF ONE SYSTEM OF PUMPS AND SPRINKLERS. ALL THIS WATER IS COMBINED AND ADDED TO THE STORAGE WATER FOR DELIVERY. CANAL CERT. #656, 2 SHARES; #716, 1/4 SHARE; #791, 7-1/2 SHARES; #823, 15-7/8 SHARES; #846, 5-1/2 SHARES. TOTAL STORAGE 1686 AC-FT. OTHER WR. IS A37-02515A, A WELL. A37-00702 IS THE REFERENCE RT. TO THE ABOVE WR.

MICROFILMED

FEB 23 1993

MAP

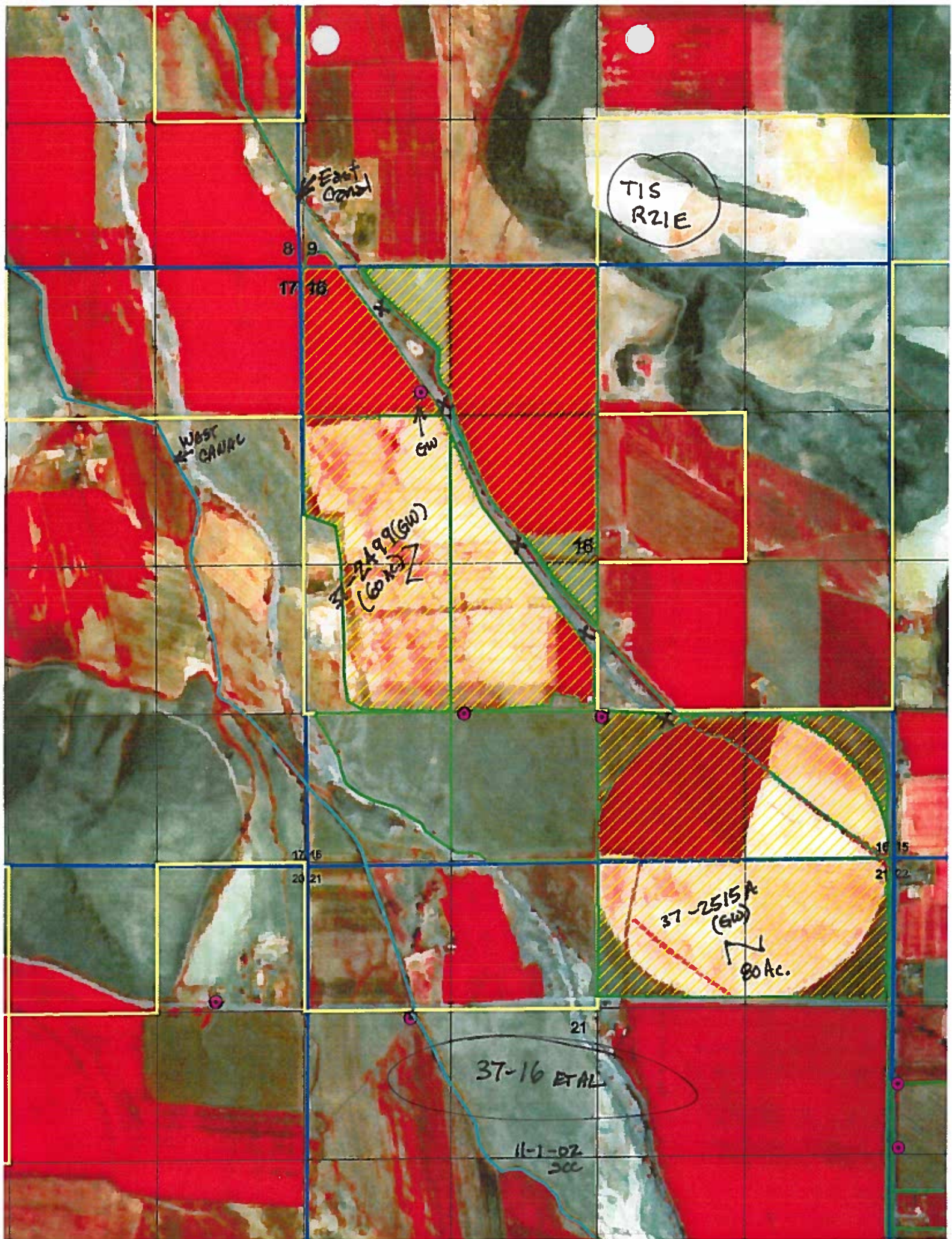
T15
R21E

11-1-08
SC

21 22

28 27

37-16 ETAL



East Canal

TIS
R21E

8 9
17 18

West Canal

GW

37-2499 (GW)
(60 Ac.)

18

17 18
20 21

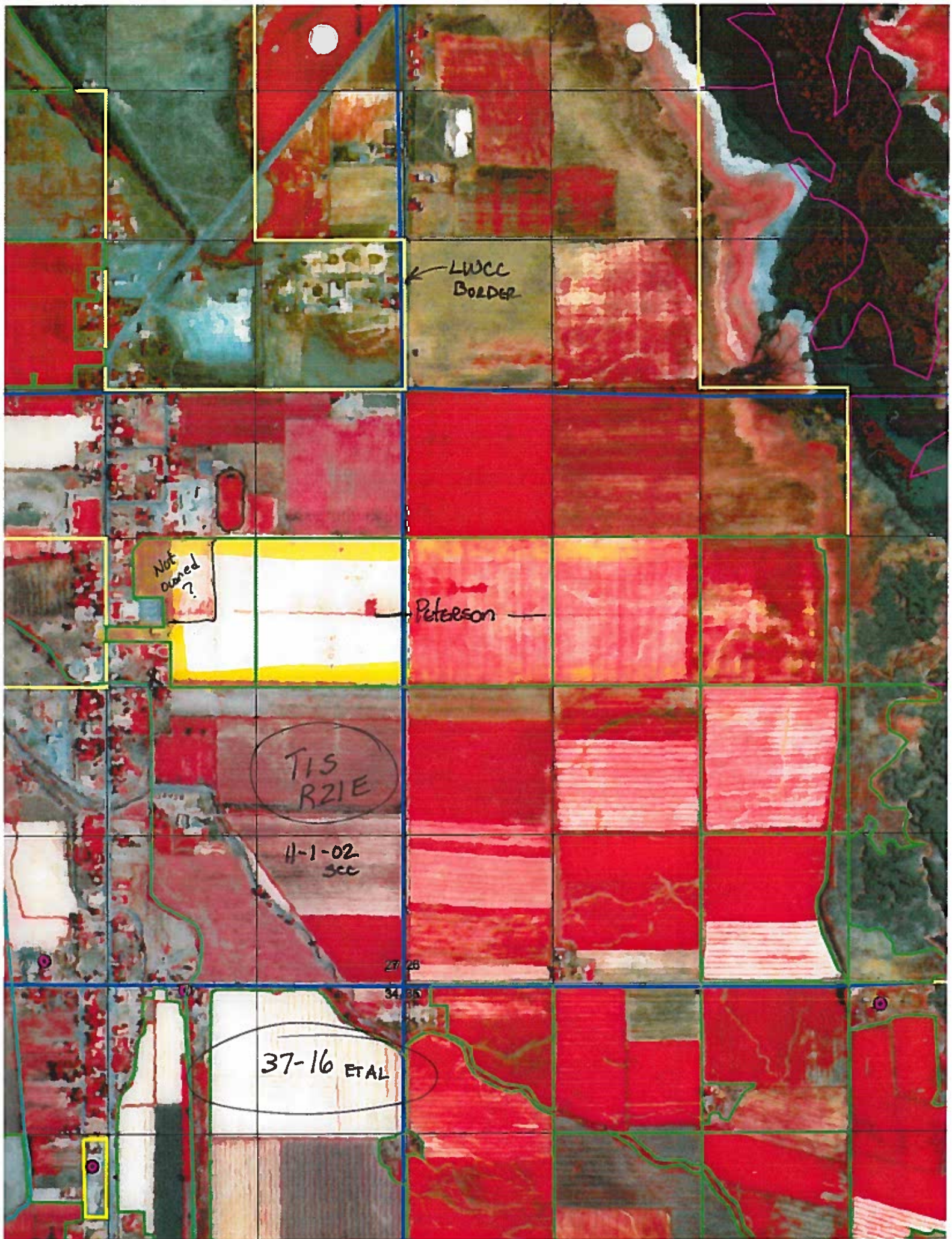
18 19
21 22

37-2515A
(GW)
80 Ac.

21

37-16 ETAL

11-1-DZ
SCC



LWCC
BORDER

Not
owned
?

Peterson

TIS
R21E

H-1-02
sec

27 28
34 35

37-16 ETAL

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-16

WATER RIGHT NUMBER: 37-16

Owner Type Name and Address
 Current Owner ALBERT ALBRETHSON
 ZZ

Priority Date: 05/01/1883

Basis: Decreed

Status: Active

Source Tributary
 LITTLE WOOD RIVER MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.200 CFS	
	<u>Total Diversion:</u>	2.200 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	20E	2			X		X			X									
							L 3												
01S	21E	26							(X)	(X)									
01S	21E	27			(X)	(X)													
02N	20E	35												X					

Conditions of Approval:Remarks:Comments:

claimant only owns 1/2 this rt.