

11/09/2005

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

RIGHT NUMBER: 22-4007
NAME AND ADDRESS: DYLE B PETERSON
C/O BEN PETERSON
403 N 2700 E
ST ANTHONY ID 83445

SOURCE: UNNAMED STREAM TRIBUTARY: TETON RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 01/14/1949

POINT OF DIVERSION:
T07N R41E S10 SENESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.000 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T07N R41E S10	NESW	26.0	T07N R41E S10	NWSW	36.0
T07N R41E S10	SWSW	36.0	T07N R41E S10	SESW	34.0
T07N R41E S10	NESE	39.0	T07N R41E S10	NWSE	39.0
T07N R41E S10	SWSE	39.0	T07N R41E S10	SESE	38.0

287 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.

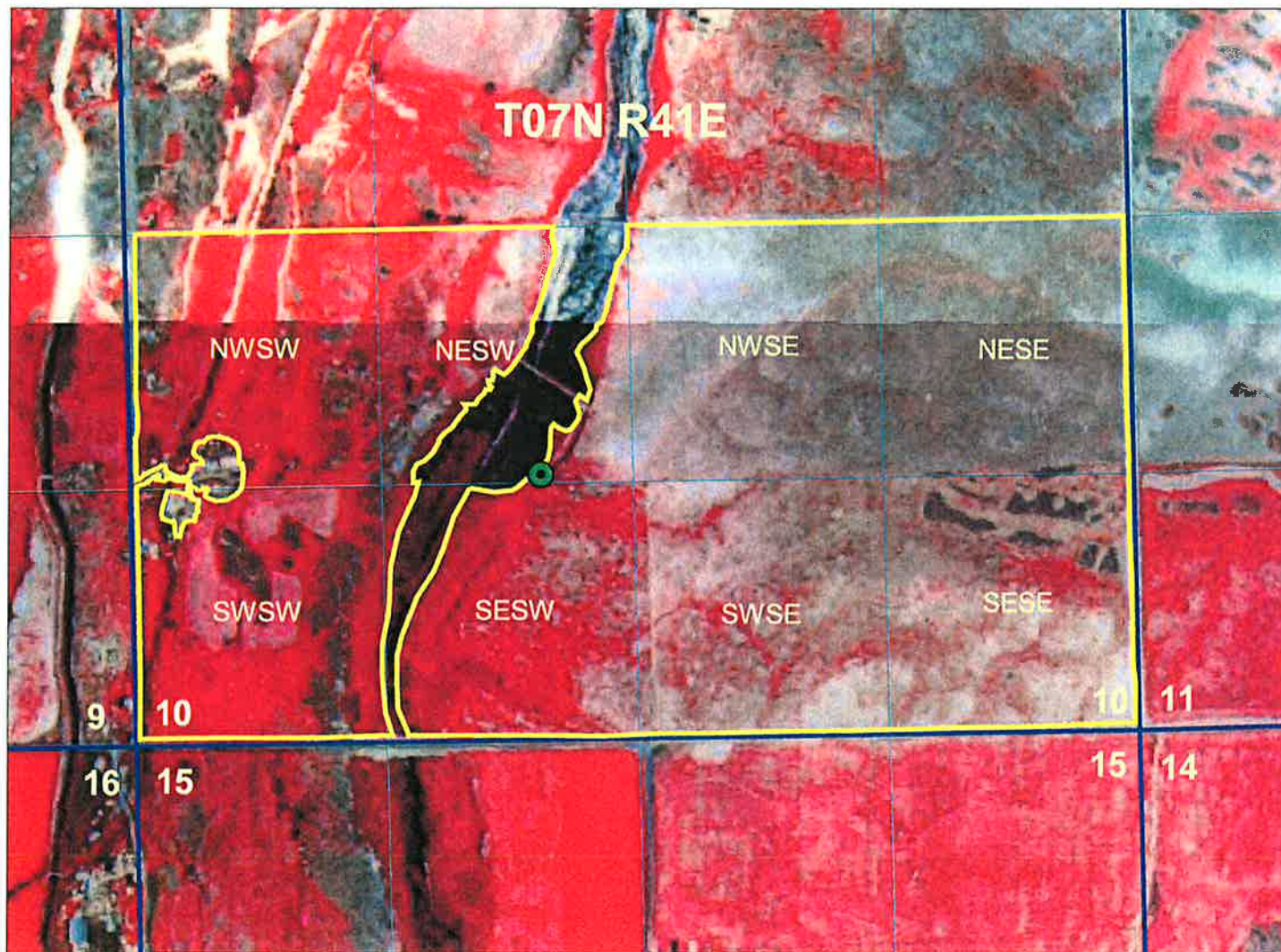
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Department of Water Resources

Eastern Region

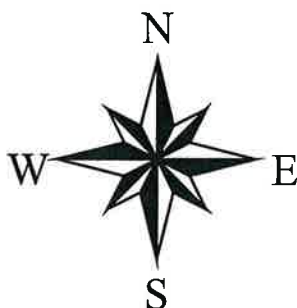


Claim No.: 22-4007



0 660 1320 1980 2640 Feet

- Point of Diversion
- 22-4007
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: November 2005

RECEIVED
SEP 19 2005
Department of Water Resources
Eastern Region

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

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.)

at table

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

AFFIDAVIT

STATE OF Idaho

COUNTY OF Fremont

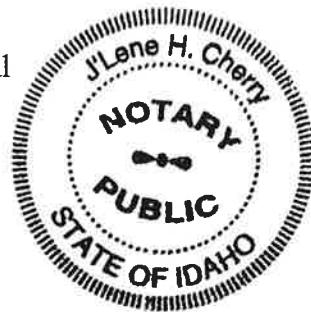
On this 24 day of June, 2004, I, Pete Angell, here-by declare that I was told by San Dayton, a life-long resident of Twin Groves in Fremont County, that he was the last man to harvest a crop from part of the land that is now known as "The Hog Hollow", extending from 400 N. to 500 N. in Fremont County,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

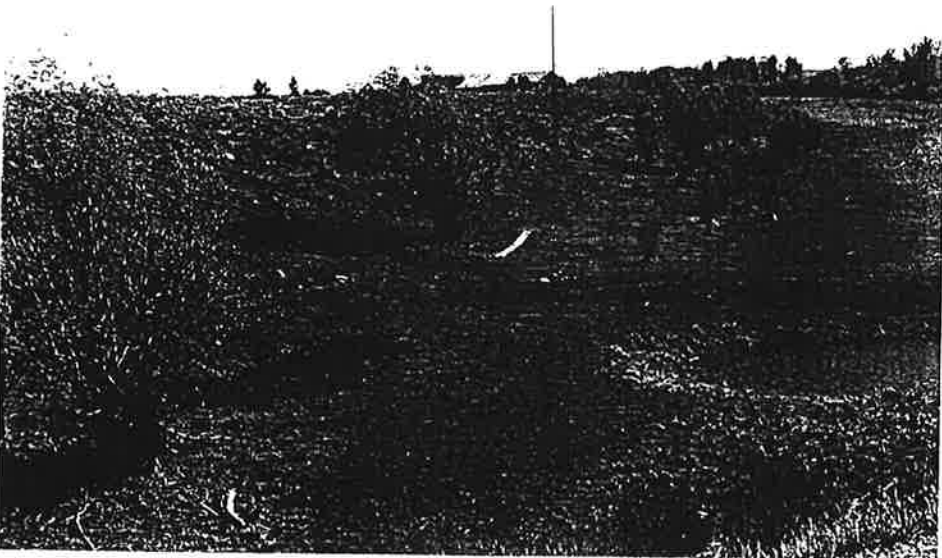
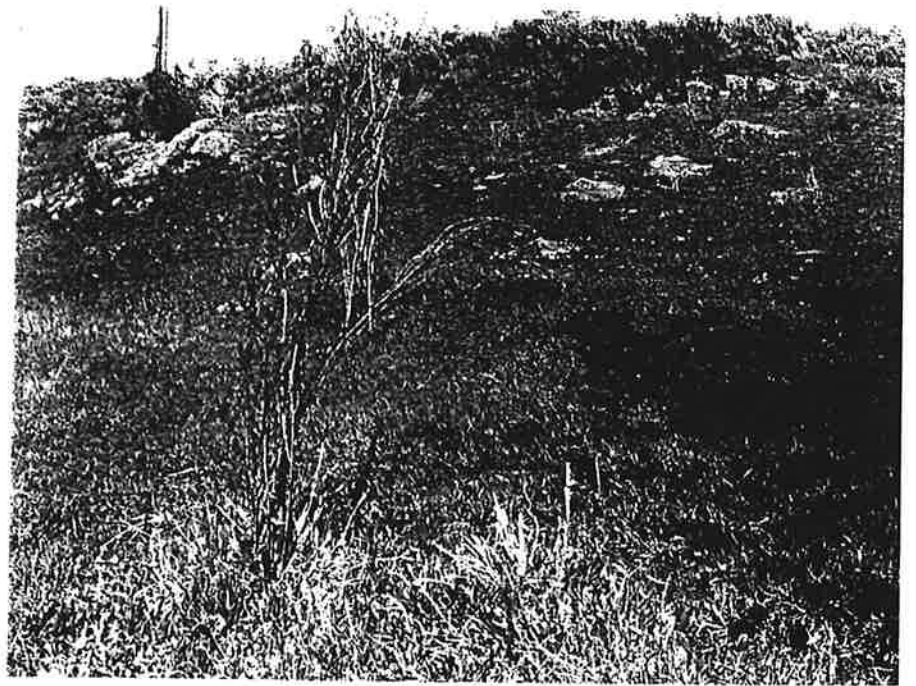
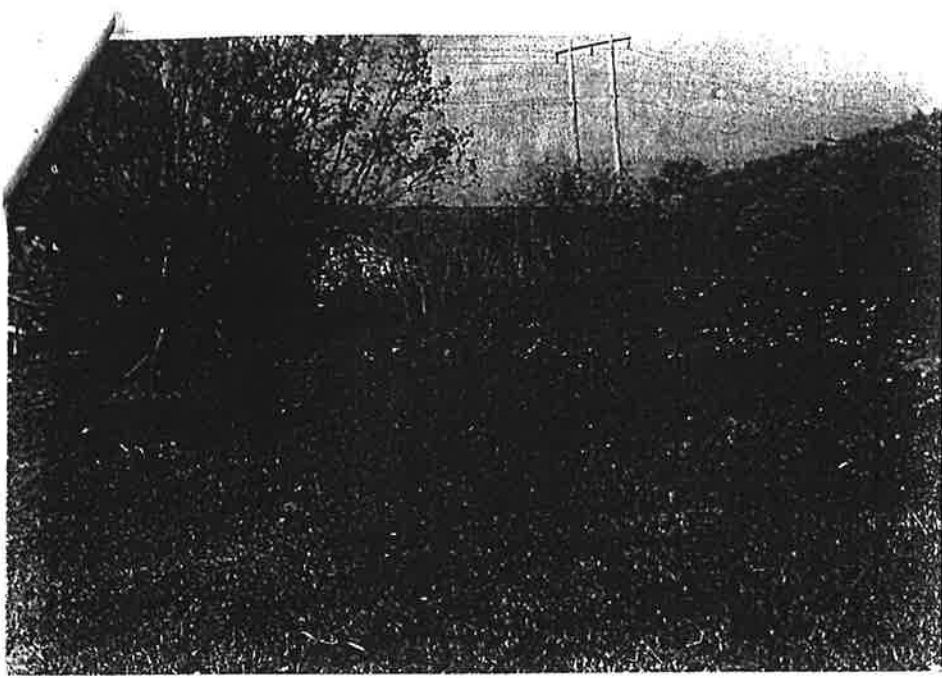
Pete Angell
Signed: Pete Angell

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

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

Seal





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.

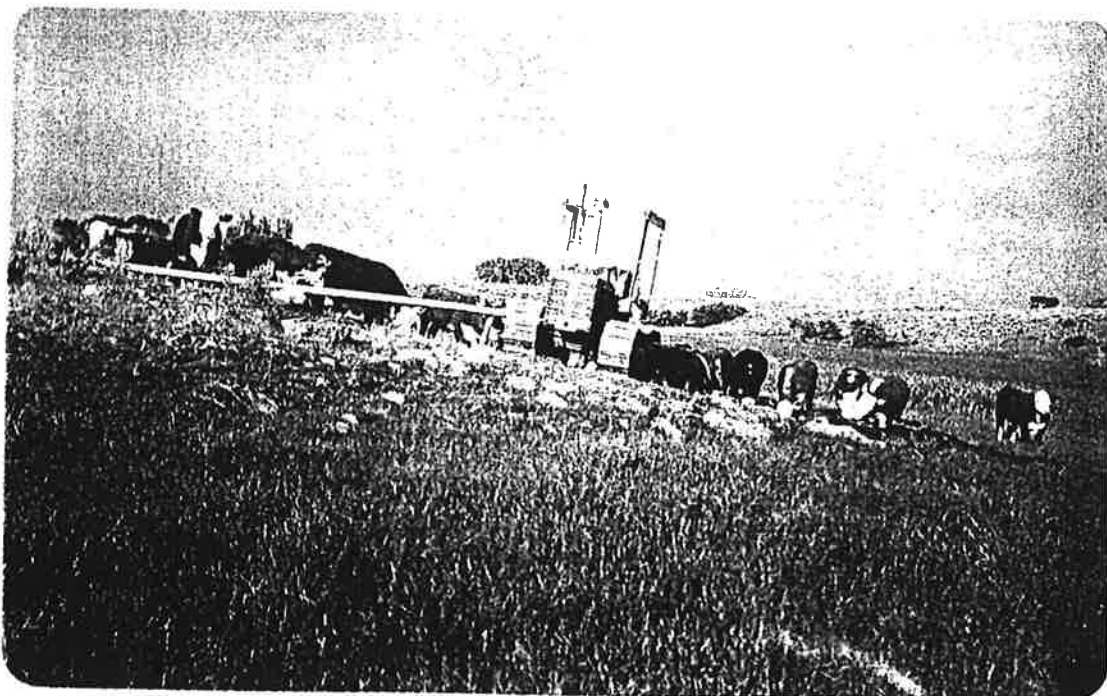
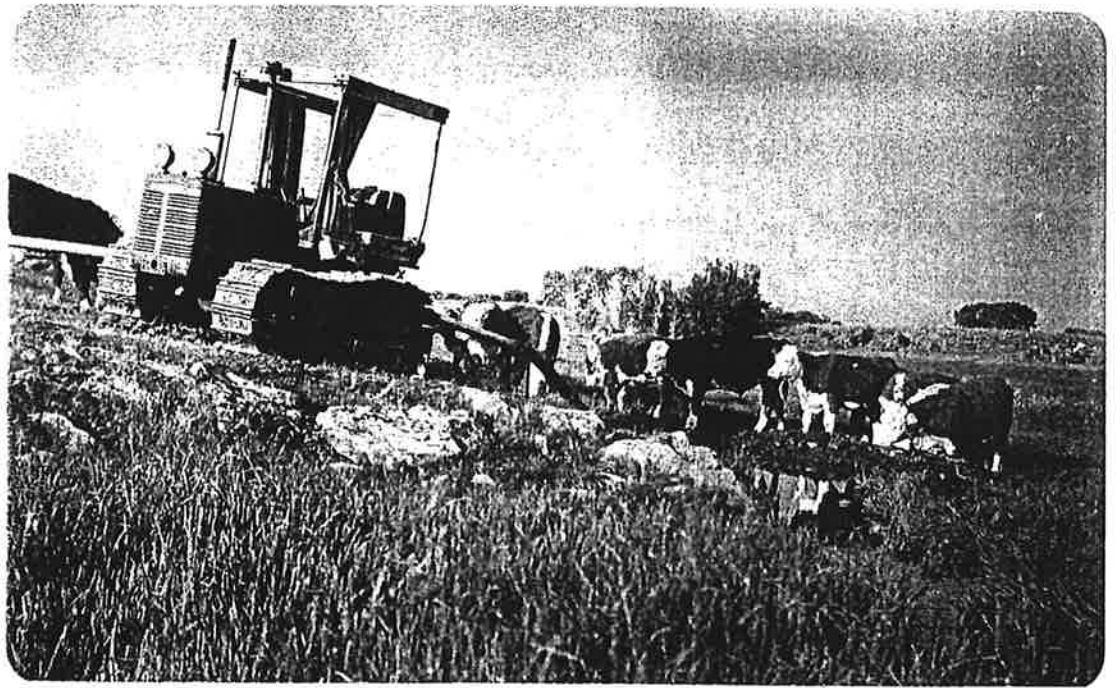
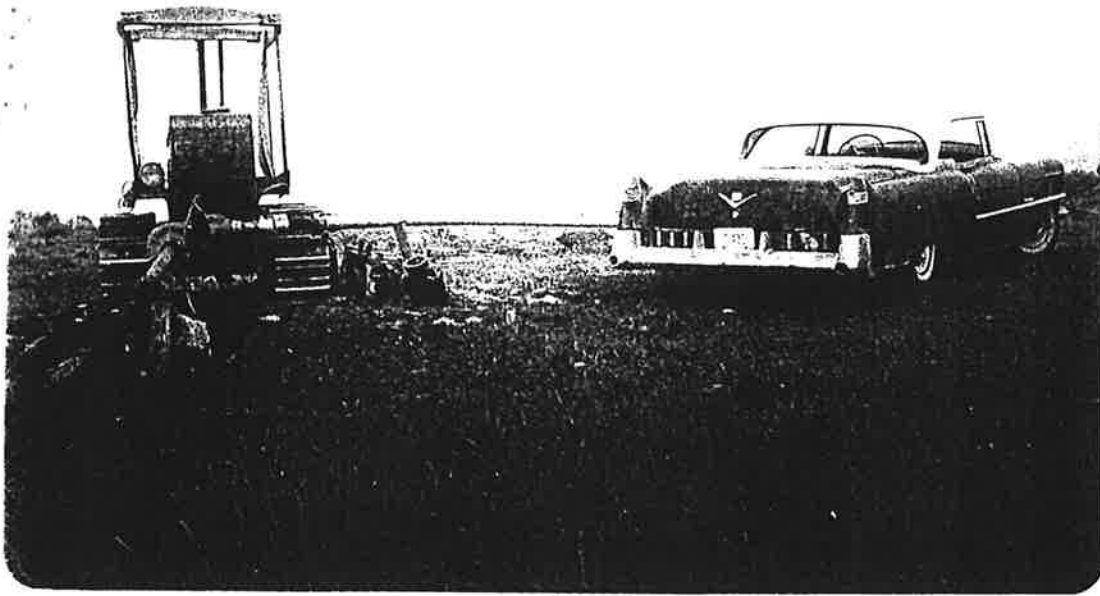
Clinton H. Peterson
Signed: Clinton H. Peterson

Elva Peterson
Signed: Elva Peterson

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

Larry D. Bidwell
Notary Public
Date Expired Jun 5, 2005





NOTES

11-9-05

Evidence supports priority date of Jan 14, 1949.

Ben Petersen confirmed Paul. Additional acres were removed for stream and banks. Totalled 287 ac. Recommending full quantity of water, 4.0 cfs, since ≤ 0.02 cfs/ac.

KM

Water Right No(s). A22-04007

Met with Ben Peterson, son of claimant
(cell phone 313-7345). P.O.U. is in CRP at this
time. P.O.U. confirmed by Ben. (Home phone 624-7176)

GPS data- 2691776
1418730

GPS File#- 224007

GPS DATA:

Tag # A0015972 Location: on Power Pole

Diversion Data:

Source: Unnamed Stream Trib to: Teton River

MOTOR

Make: U.S. Electric Model: _____ Hp: 100
SN: ID# R9985-00-078

PUMP

Make: Jacuzzi Model: _____ Disch: _____
SN: 6L7166676

NOTES:

Pump in stream to portable mainline & sprinkler &
flood irrigation.
Ben asks that report be sent to Dyle Peterson c/o
Ben Peterson 403 North 2700 E, St. Anthony, ID 83445.

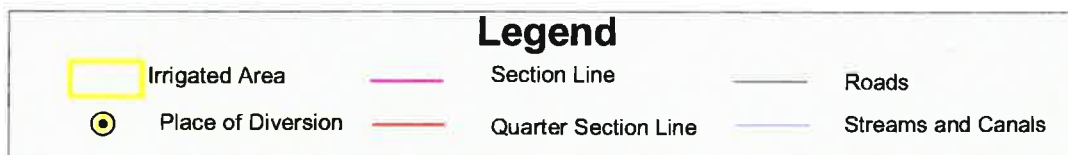
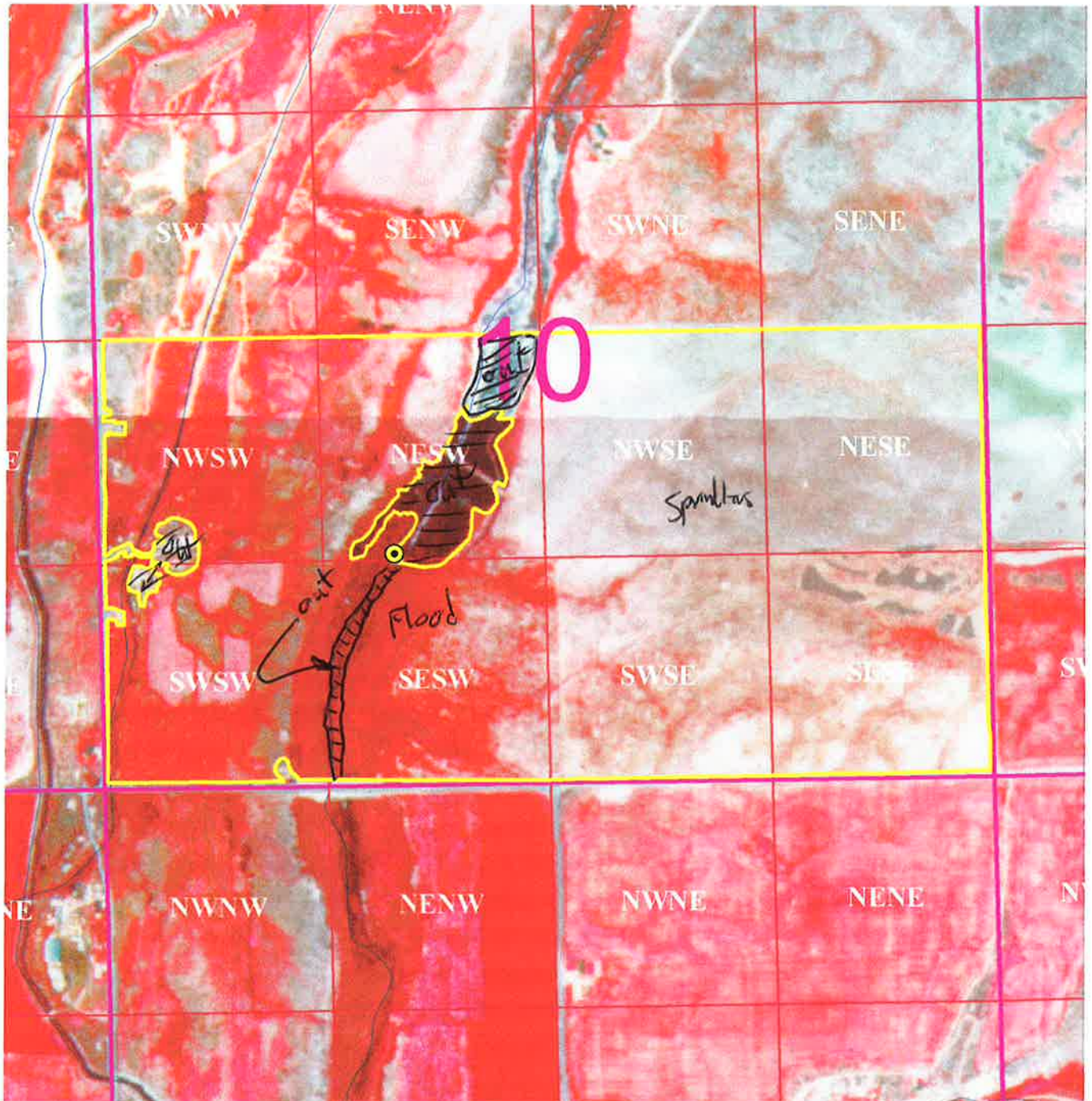
Field Exam Date: 11-2-2005 Agent: N. G. Jones



A22-4007, Looking North

Water Right Claim Number 22-04007
Township , 7N41E

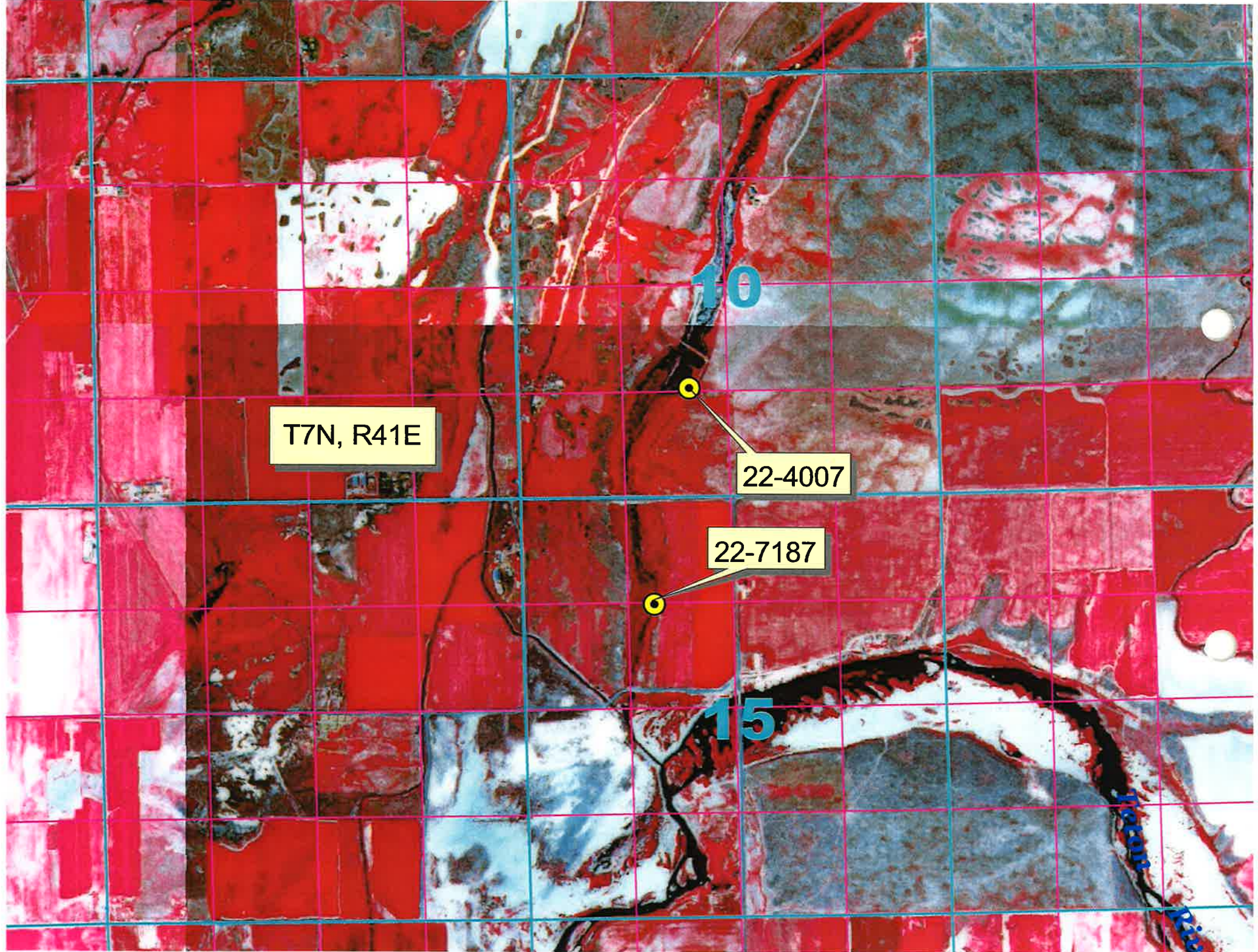
06/29/2001



600 0 600 1200 Feet



SPATIAL
DYNAMICS



T7N, R41E

22-4007

22-7187

10

15

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

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SCANNED

JUL 28 2003

PROFILED

7N41E

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)

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Sincerely,



Gwen Hoffmann



Dyle B. Peterson

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JUL 28 2004
Department of Water Resources
Eastern Region

AFFIDAVIT

STATE OF Idaho

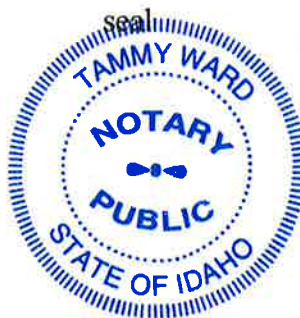
COUNTY OF Fremont

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.

Tammy 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

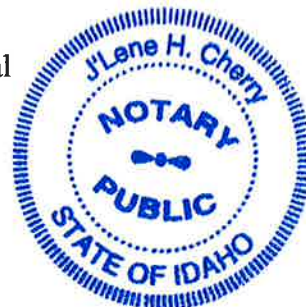
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Pete Angell
Signed: Pete Angell

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

Seal



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JUL 28 2004
Department of Water Resources
Eastern Region

AFFIDAVIT

STATE OF IDAHO

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Clinton H. Peterson
Signed: Clinton H. Peterson

Elva Peterson
Signed: Elva Peterson

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

Larry 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. 28523Permit No. 20879

District No. _____

1. Name of applicant: D.B. Peterson,Post office address StAnthony 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 second3. Source of water supply: Un-named Stream, (Seepage water)which is tributary of Teton River

4. Location of point of diversion: _____ feet distant from the _____ corner

of Section _____, T. _____, R. _____, B. M., and is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 $\frac{1}{2}$ miles. Average grade per mile _____ feet.

(Give irrigable acreage in each 40-acre subdivision)

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 24870 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: *J. D. Price* Secretary of State.
By *C. A. Robins* Governor.

No. <u>20870</u>	
PERMIT	
Date of first receipt at office of State Reclamation Engineer <u>10:45 A.M. Jan. 5, 1949</u>	
Returned to applicant for correction	
Corrected application received	
Fees, \$ <u>5.75</u>	
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft. <u>\$5.00</u>	
For each additional Sec. Ft. or fraction thereof	<u>25</u>

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.

Notary Public.

My commission expires _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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 (name of claimant) Ph. 624-3629
of Rt. #1, St. Anthony, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed stream
(seepage water) tributary to Teton River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--------------------------|-----------------------|--|
| Amount <u>4.00</u> | Use <u>Irrigation</u> | Period of Use: From <u>Apr. 1</u> To <u>Nov. 1</u> |
| Amount <u> </u> | Use <u> </u> | Period of Use: From <u> </u> To <u> </u> |
| Amount <u> </u> | Use <u> </u> | Period of Use: From <u> </u> To <u> </u> |
- (cfs, gpm or a/f) (dom., irri, stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 4.00 cubic feet per second, or 0.00 acre feet per annum, and/or 0.00 gallons per minute.

- (4) 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.

- (5) 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

- (6) 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.

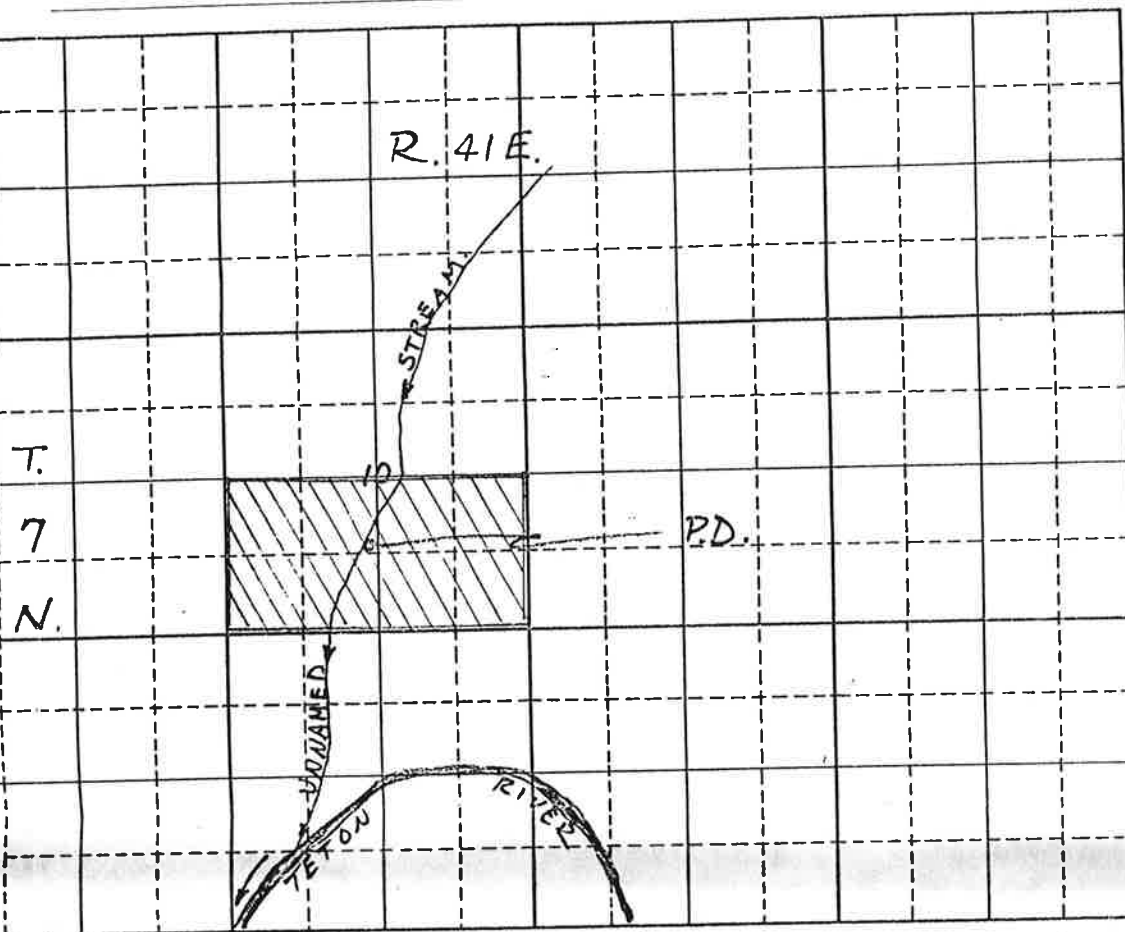
[illegible]

Total No. of acres 320

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

- (7) 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)
County of BONNEVILLE) ss.

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 19 76.

[Signature]
(Claimant)

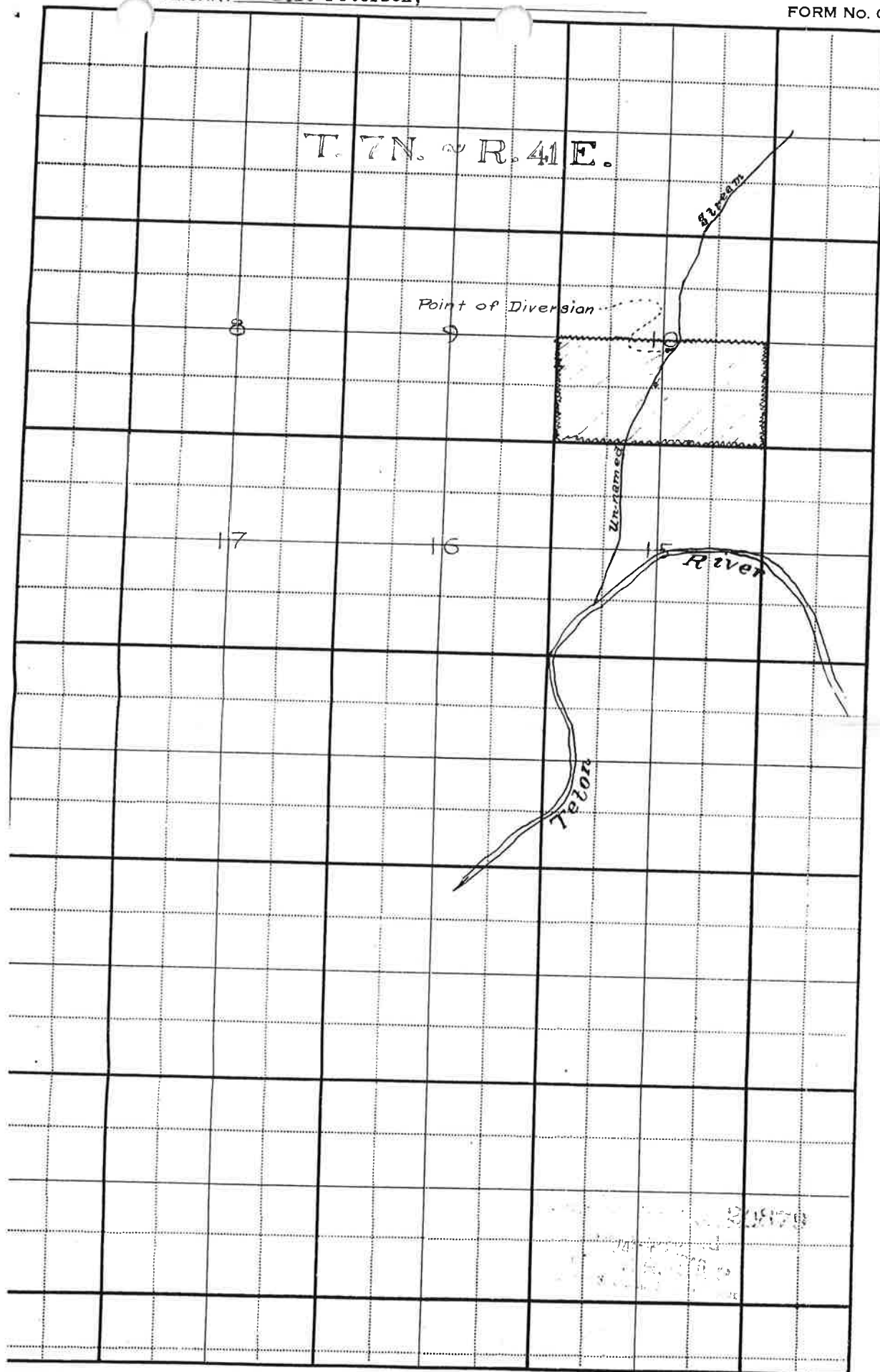
Notary Public

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 News</u>				
Dates <u>April 22 + 29, 1976</u>				



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.



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.

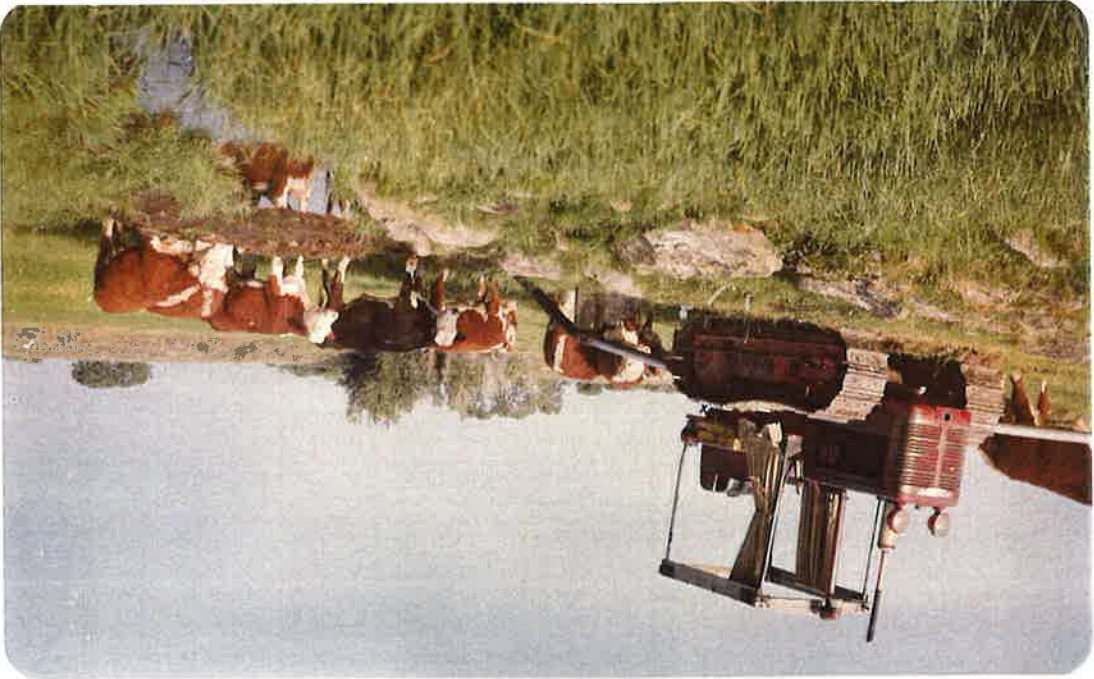
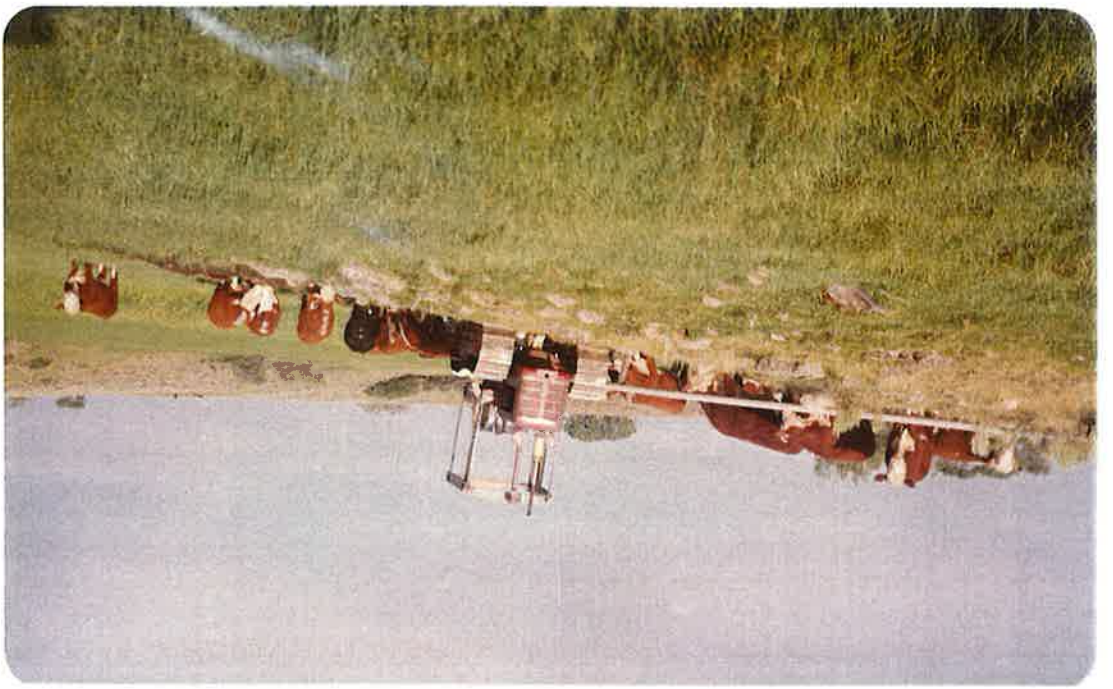
We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim





Manco 04/01/04

March 31, 2004

**GWEN HOFFMAN
273 N 2750 E
ST ANTHONY ID 83445**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04007 (as filed by Dyle B Peterson)

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JANUARY 14, 1949, from an UNNAMED STREAM

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

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

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

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

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, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed stream
(seepage water) tributary to Teton River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	4.00	Use	Irrigation	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/f)

(dom., irri.,
stock, etc.)

(both dates inclusive)

- (3) Total quantity of water claimed: 4.00 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) 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.

- (5) 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

- (6) 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:** _____

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

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: A22-04007
Date Received: 1/09/1989
Receipt No: E005446
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DYLE B. PETERSON 208-624-3629
Address: RT. 1 BOX 167
ST. ANTHONY, ID 83445

2. Date of Priority: JAN 14, 1949

3. Source: UNNAMED STREAM Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	10	NE	SW			FREMONT

5. Description of diverting works:
DIESEL MOTOR AND PUMP WITH MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 640.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	10	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

A22-04007

Page 1

Date: 01/09/89

MICROFILMED
OCT 29 1992

A2204007



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	41E	10	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
							Total Acres	320.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 1

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):

Dyle B Peterson

Date: 9 Jun 1989.

Date: _____

State of Idaho)

County of Bonneville.)

SS.

Subscribed and sworn (or affirmed) before me this 9 day

of Jan. 19 89.

Ernest Carlson

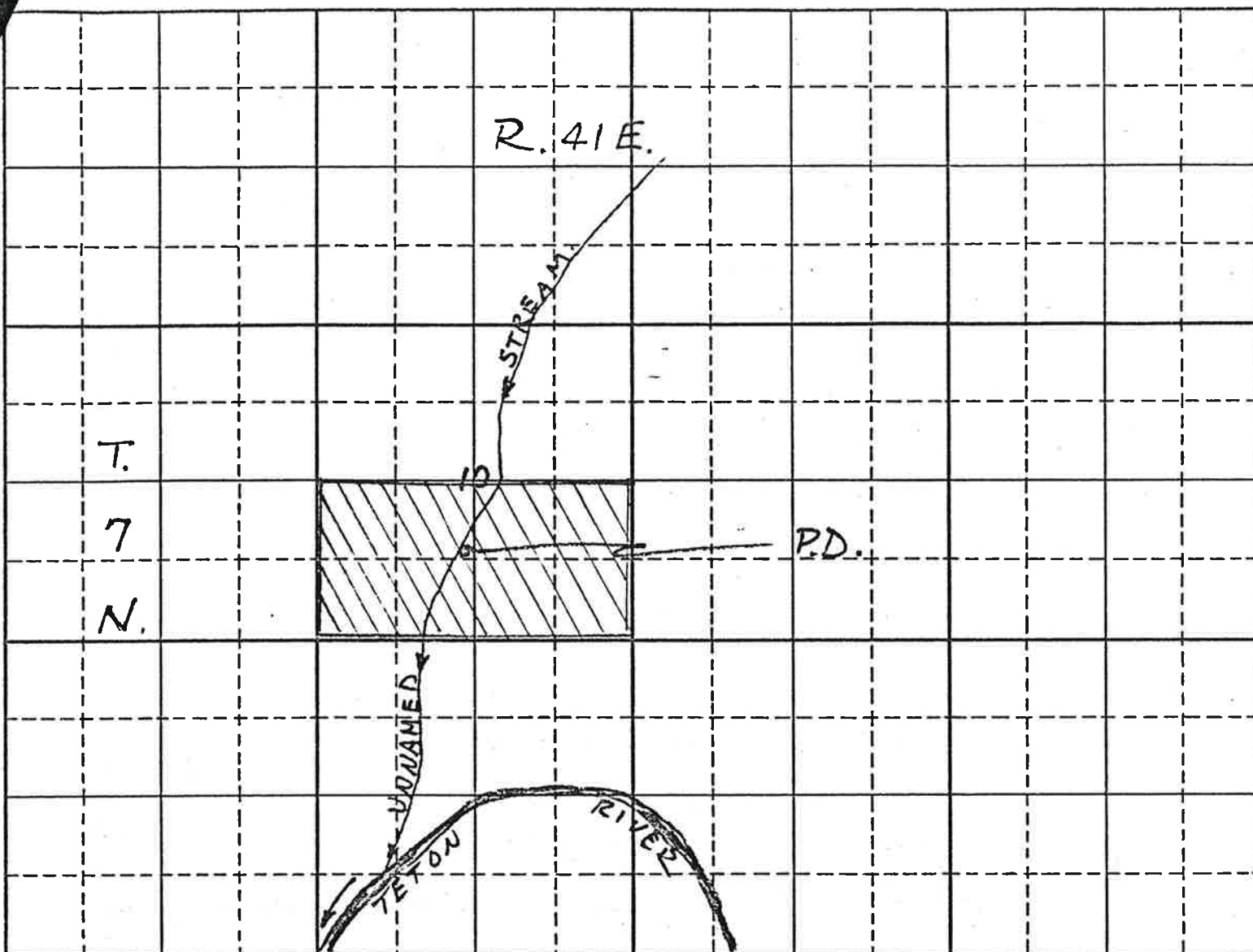
Notary Public

Seal

Residing at Idaho Falls, ID.

My Commission Expires 14 June 1994

(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 BONNEVILLE)

MICROFILMED

OCT 29 1992

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.

R. B. Peterson
(Claimant)

Ronald D. Carter
Notary Public
Residing at IDAHO FALLS

My commission expires

3/19/78