

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 47-4204
Date Received: 6/16/2006
Receipt No: S028726
Received By:

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

1. Name of Claimant(s)

ERNEST W PETERSON Phone: (970)482-0664
617 GREENFIELD CT
FORT COLLINS CO 80524

2. Date of Priority: 06/01/1940

3. Source: WASTE WATER Trib. to: Q COULEE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	14E	34	SE NE	TWIN FALLS	

5. Description of diverting works:

check dam, headgate and gated pipe.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/15	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
10S	14E	34	SE	NE		IRRIGATION	30.3
			NE	NE		IRRIGATION	43.5
						Section Acres	73.8
						Total Acres	73.8

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

Use of this right is combined with water from Twin Falls Canal Co.

15. Basis of Claim: Statutory Claim

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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 47-4204

Date Received 6/12/2006

Receipt Number 5028726

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

RECEIVED
JUN 12 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Ernest W. Peterson Phone (970) 482-0664

Mailing Address 617 Greenfield Ct., Fort Collins, CO **Zip** 80524

2. Date of Priority (Only one (1) per claim) June 1, 1940

3. Source of water supply (a) Snake River: Milner Dam diversion
which is tributary to (b) High Line Canal (branch diversion: Q Coulee)

4. a. Location of existing point of diversion is: Township 10 S Range 14 E Section 34,
SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Check dam, head gate, and gated pipe.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from May 1 to Oct. 15 amount 2.00 CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) minimal domestic use for shrubs, trees, lawn, and pets.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	14E	34	X			X													43.5a 30.3a

Total number of acres irrigated 73.8

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

73.83 shares: Twin Falls Canal Company (applies to same irrigation water described above) or None ()

14. Remarks:

Last Name Peterson Ident No. 39576

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 39576
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Ernest H. Peterson Date 6/7/06

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of ~~Idaho~~/or Colorado)
County of Larimer) SS.

Subscribed and sworn (or affirmed) before me this 7th day of June 19 2006

SEAL

Notary Public Celeste Hildebrand
Residing at 1404 Teakwood Drive, Fort Collins CO
My Commission Expires 3-11-10
80525

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name PETERSON Ident. Number 39576

Copies White-State, Yellow-Claimant

617 Greenfield Court
Fort Collins, CO 80524
May 26, 2006

NOTICE OF CLAIM TO A WATER RIGHT

EVIDENCE OF PRIORITY DATE

PRIORITY DATE June 1, 1940

MY BIRTH DATE March 30, 1926

MY BROTHER'S BIRTH NAME AND DATE:

Ralph H. Peterson, March 2, 1928

Ralph and I grew up on our parents' farm: Ernest L. and Esther L. Peterson

PRIORITY DATE June 1, 1940

I had graduated from the rural Fairview School in May 1940. My brother and I accompanied our father in irrigating fields of diversified farming. Each of the two sons received shovels with short handles.

I remained on the farm until I was inducted in the U.S. Army, October 27, 1953. Following two years in the army, I returned to continue in the farm partnership with my father and my brother.

I entered the College of Idaho for the second semester, January 1957. At the close of each school year I returned to the dairy, diversified crop enterprise each summer, 1957-61.

September 1961, I entered Pittsburgh Theological Seminary, Pittsburgh, Pa. That ended my partnership with my father and my brother in the livestock, irrigated crop farm enterprise.

My father died October 1, 1969. My brother Ralph and his son, Ronald, continue the irrigated farm enterprise. They pay me cash rent for my farm in their crop operation.

(A letter from my brother is attached.)

Affidavit: I hereby swear or affirm that the information contained in this letter is accurate to the best of my knowledge, information, and belief.

E.W.P.

Respectfully submitted,

Ernest W. Peterson

Ernest W. Peterson

*State of Colorado
County of Larimer
Subscribed on and sworn before me this 7th day of June, 2006.
Celeste Holder Kling
1404 Teakwood Drive
Fort Collins, CO 80525
Celeste Holder Kling*

*Colo Notary Public
My Commission Expires: 3-11-10*

Buhl, Idaho
May 22-2006

March 30, 1926 Ernest W. Peterson
March 2, 1928 Ralph W. Peterson

Parents Ernest Ludwig
Esther Louise

Cows milked before going to Fairview
" " after school

1940 open ditches

permanent pasture for cows on West side of place.
Lane getting to pasture - nearly $\frac{1}{2}$ mile.

Crops - potatoes, wheat, hay or red clover, corn silage.
eventually procured 8 in. 10 in. gated pipe for
irrigating from main ditch.

Water - Twin Falls Canal Co. No waste water necessary

Yard & trees - 5 in. water from neighbors ditch
transferred by Dad.

74 acres in 1 field - wheel lines $\frac{1}{2}$ mile long
4 - $\frac{1}{4}$ mile

2005 - all beans

2006 - wheat

Burel main line on West side - East side

15 h.p. pump on West - 2 - $\frac{1}{4}$ mile wheel lines

25 h.p. pump on East 1 - $\frac{1}{2}$ mile - 2 - $\frac{1}{4}$ mile lines

- over -

Military service to Germany in 1950 Ernest
stayed home to operate place with Dad.

Military service for Ernie after I returned home
in 26 months.

Ernie went to school and became a postman after
service in Army. Married, lived in Illinois and Colorado
as a preacher

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

Ernest W.

(Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No. 543-6052

(1) Date of priority: (When was the water first applied to a beneficial use) Valleywater 1940

Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Wastewater tributary to Q Coulee

(cfs, gpd, AFA) (Domestic, Irrigation, Stock, Etc.) (Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity 2.00 cfs Use irrigation Period of Use From May 1 To Oct 15

Quantity	Use	Period of Use From	To

[illegible]

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

(cfs, gpd, AFA)

2 pts SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34 Twp. 10S Rge. 14E S.M., County of Twin Falls

Additional points of diversion: SW 1/4 Sec. 34 T. 10S R. 14E

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. Describe any changes in the system and give the date of the change. Check dam & gated pipe

(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]

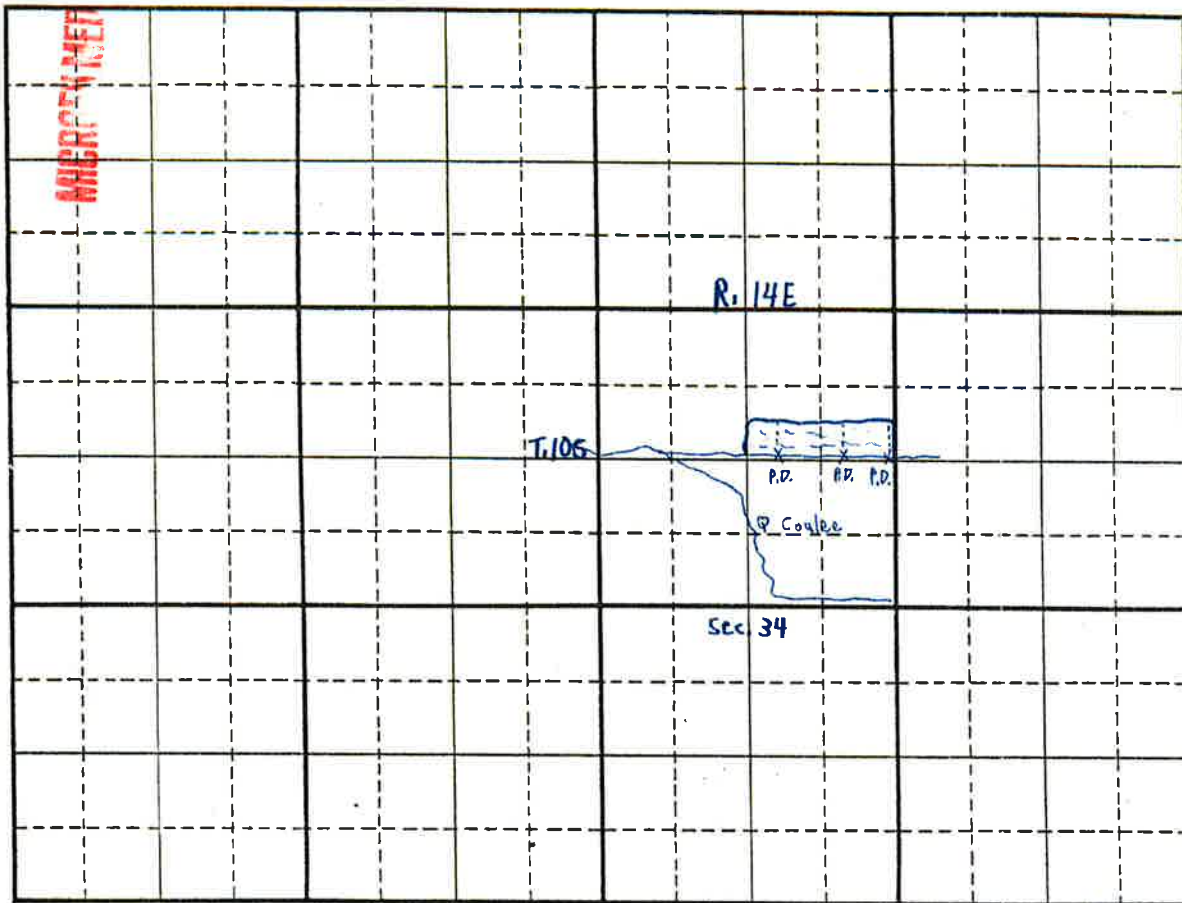
No. of acres 30

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

NOTE: Include here the type and number of stock watered:

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

(8) Remarks Land is owned by Ernest Peterson but managed by Ralph Peterson. Ralph Peterson has power of attorney for Ernest.



Scale: 2 Inches equal 1 mile.

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 Twin Falls) 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 affiant's knowledge.

Ernest W. Peterson
by Ralph N. Peterson
(Claimant)

Sworn to before me this 19th day of December, 1980.

Notary Public
Residing at Twin Falls, Id

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J.F. Stanton Date 12-19-80 Exception filed by: _____ Date _____
Prelim. check by Lot Date 12-26-80 Forwarded to claimant by: _____
\$0.00 fee received by Jo Date 12-22-80 # 16730
Published in Times News
Dates 1/29 + 2/5/81



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 12, 2006

BRIAN RATZLAFF
3376 N 1500 E
BUHL ID 83316

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM #47-4204

Dear Claimant:

The Department has been notified that you are the current owner of the property to which the above adjudication claim is appurtenant. In order for our records to be changed, however, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete it per the instructions (pages 3 and 4), include the required information listed under item 2 and return everything to the Department. Once this packet is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Carrie Hahn', is written over a light blue horizontal line.

Carrie Hahn
Clerk

Ø Filed as of 4-10-2019. dm

12/12/2006

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

RIGHT NUMBER: 47-4204

NAME AND ADDRESS: BRIAN RATZLAFF
3376 N 1500 E
BUHL ID 83316

ERNEST W PETERSON
617 GREENFIELD CT
FORT COLLINS CO 80524

SOURCE: WASTE WATER

TRIBUTARY: DEEP CREEK

QUANTITY: 0.600 CFS

This right when combined with all other rights shall provide no more than
0.02 cfs per acre.

PRIORITY DATE: 06/01/1940

POINT OF DIVERSION:

T10S R14E S34 SWNE Within TWIN FALLS County

T10S R14E S34 SENE Within TWIN FALLS County

T10S R14E S34 SENE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 11/15

0.600 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T10S R14E S34 SWNE 15.00 T10S R14E S34 SENE 15.00

30 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.

This right remains subject to the right of the original appropriator, in good
faith and in compliance with state laws governing changes in use and/or
expansion of water rights, to cease wasting water, to change the place
or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Twin Falls Canal Co.

NEW OWNER:

BRIAN RATZLAFF

3376 N 1500E

BUHL ID 83316



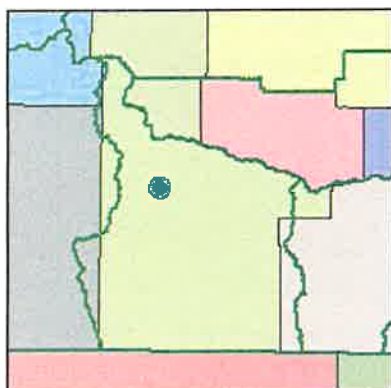
Idaho Department of Water Resources

SRBA Recommendation:

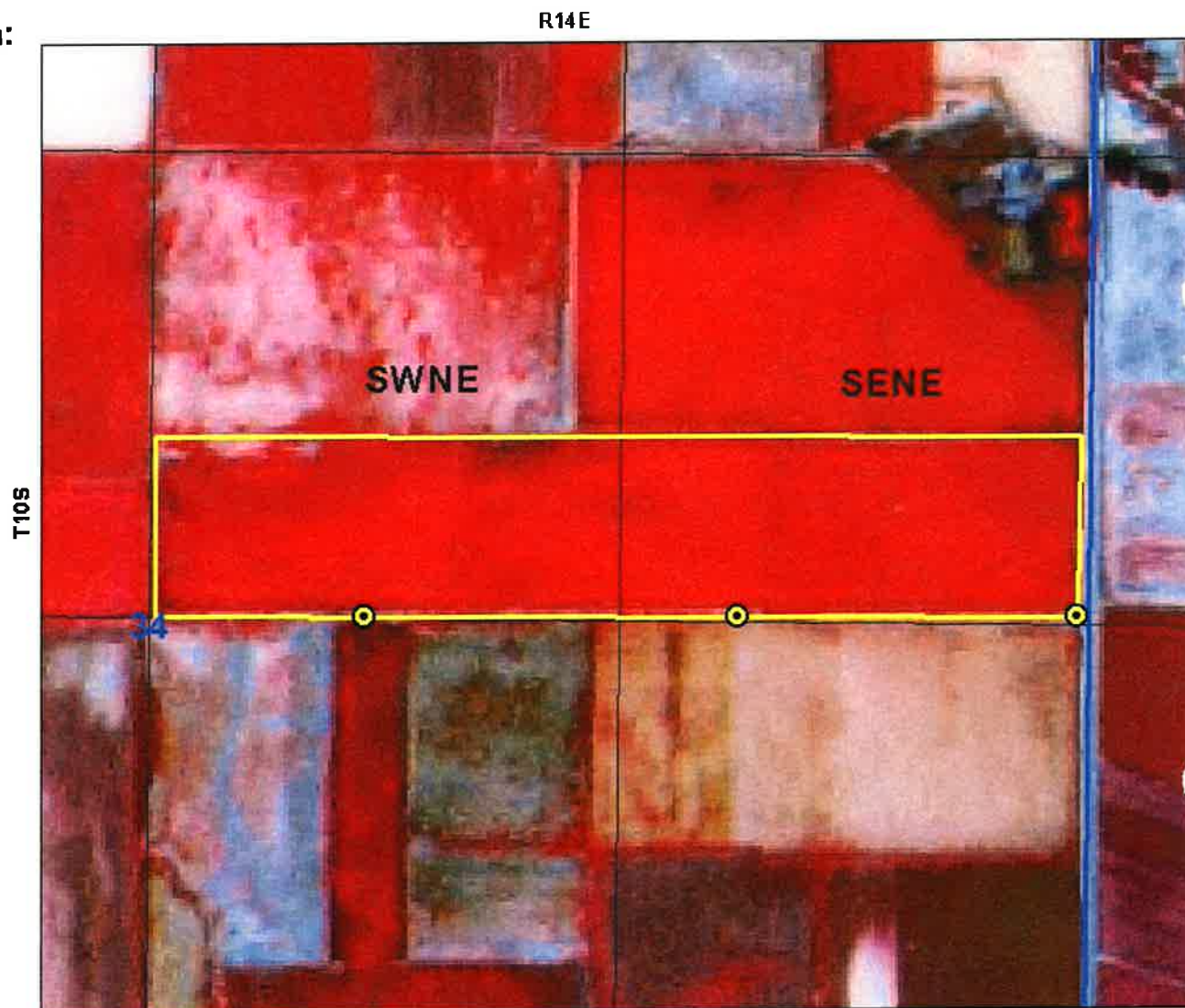
47-4204

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



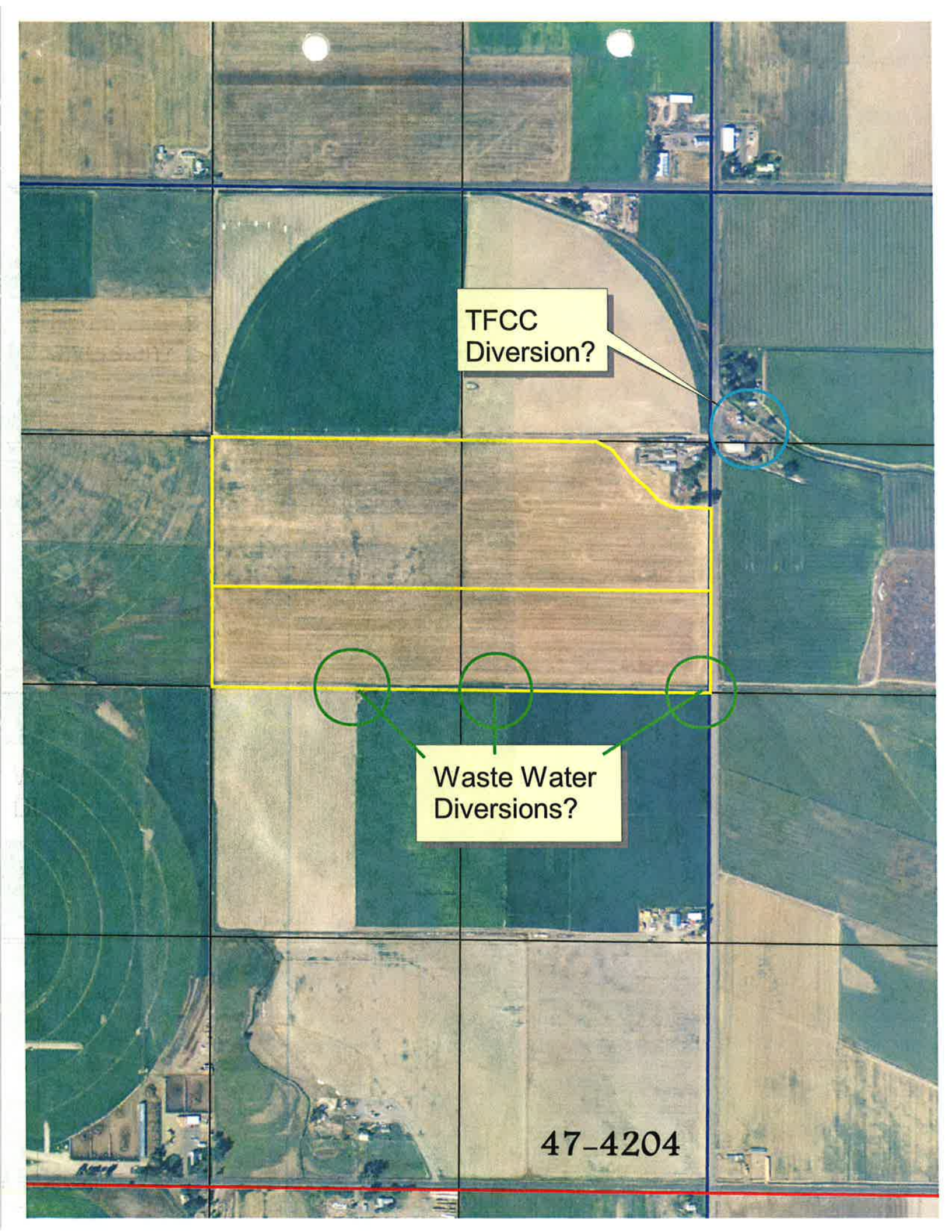
Twin Falls County
IDWR Basin 47



0 0.2 0.4 Miles



Prepared by N. Erickson
On Tuesday, December 12, 2006
1987/88 Aerial Photography

An aerial photograph of a rural landscape with various agricultural fields in shades of green and brown. A yellow line, possibly a property boundary or a proposed path, runs horizontally across the middle of the image. A blue circle highlights a small cluster of buildings on the right side. Two green circles are placed on the yellow line in the lower-middle section. Two callout boxes with yellow backgrounds and black text are present: one pointing to the blue circle and another pointing to the green circles. The text '47-4204' is visible in the bottom right corner.

TFCC
Diversion?

Waste Water
Diversions?

47-4204