

02/26/2003

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

RIGHT NUMBER: 29-333

NAME AND ADDRESS: DONALD R PETERSEN
11751 S HENDERSON RD
MC CAMMON ID 83250

DONNA L PETERSEN
11751 S HENDERSON RD
MC CAMMON ID 83250

SOURCE: BIRCH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 1.100 CFS

PRIORITY DATE: 07/01/1879

POINT OF DIVERSION:

T09S R36E S29 SENESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.100 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S28	SESW	30.0	T09S R36E S32	NENE	39.0
T09S R36E S32	NWNE	30.0	T09S R36E S32	SENE	34.0
T09S R36E S32	NESE	33.0	T09S R36E S33	NENW	36.0
T09S R36E S33	NWNW	39.0	T09S R36E S33	SWNW	40.0
T09S R36E S33	SESW	28.0	T09S R36E S33	NESW	38.0
T09S R36E S33	NWSW	32.0	T09S R36E S33	SWSW	38.0
T09S R36E S33	SESW	39.0			

456 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 55 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

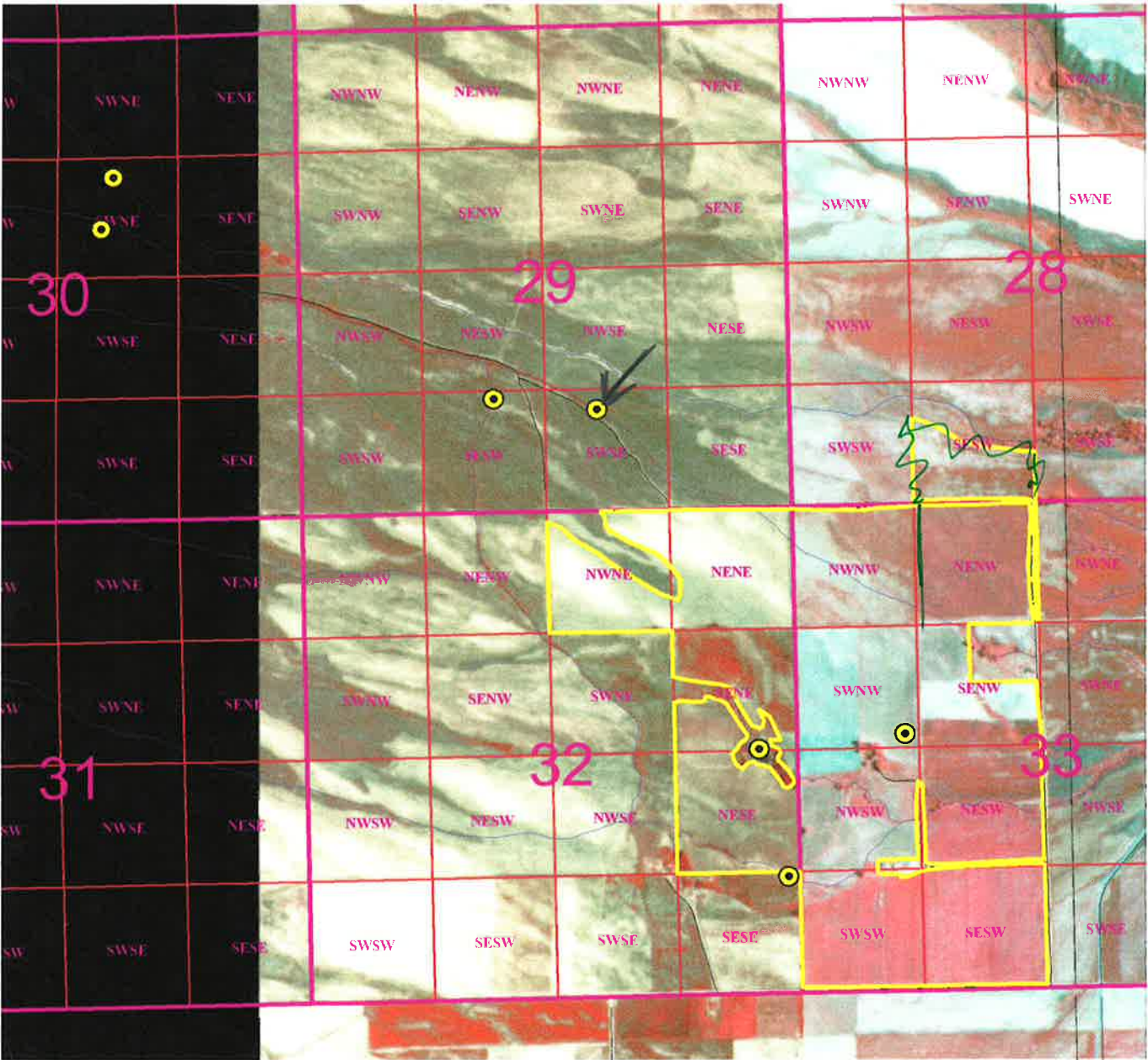
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE RIGHTS LISTED BELOW ARE ALL DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 29-333, 29-336, 29-337, 29-13412,
29-13413 & 29-13414.

Township , 9S36E



 Irrigated Area

 Place of Diversion

Legend

 Section Line

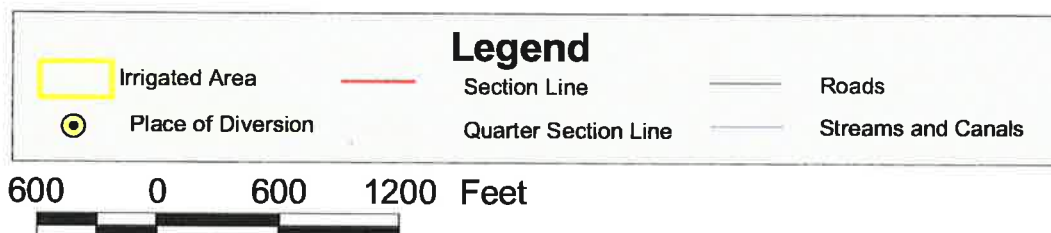
 Quarter Section Line

 Roads

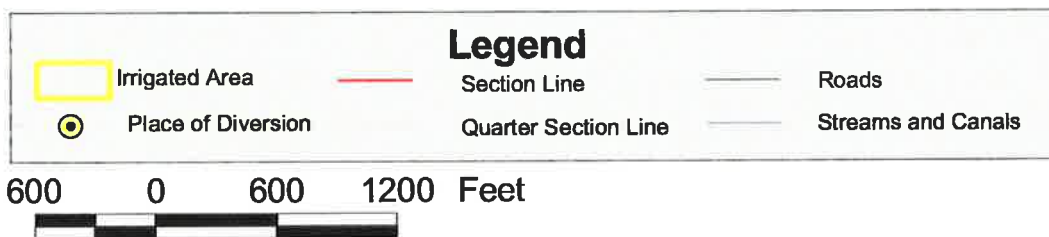
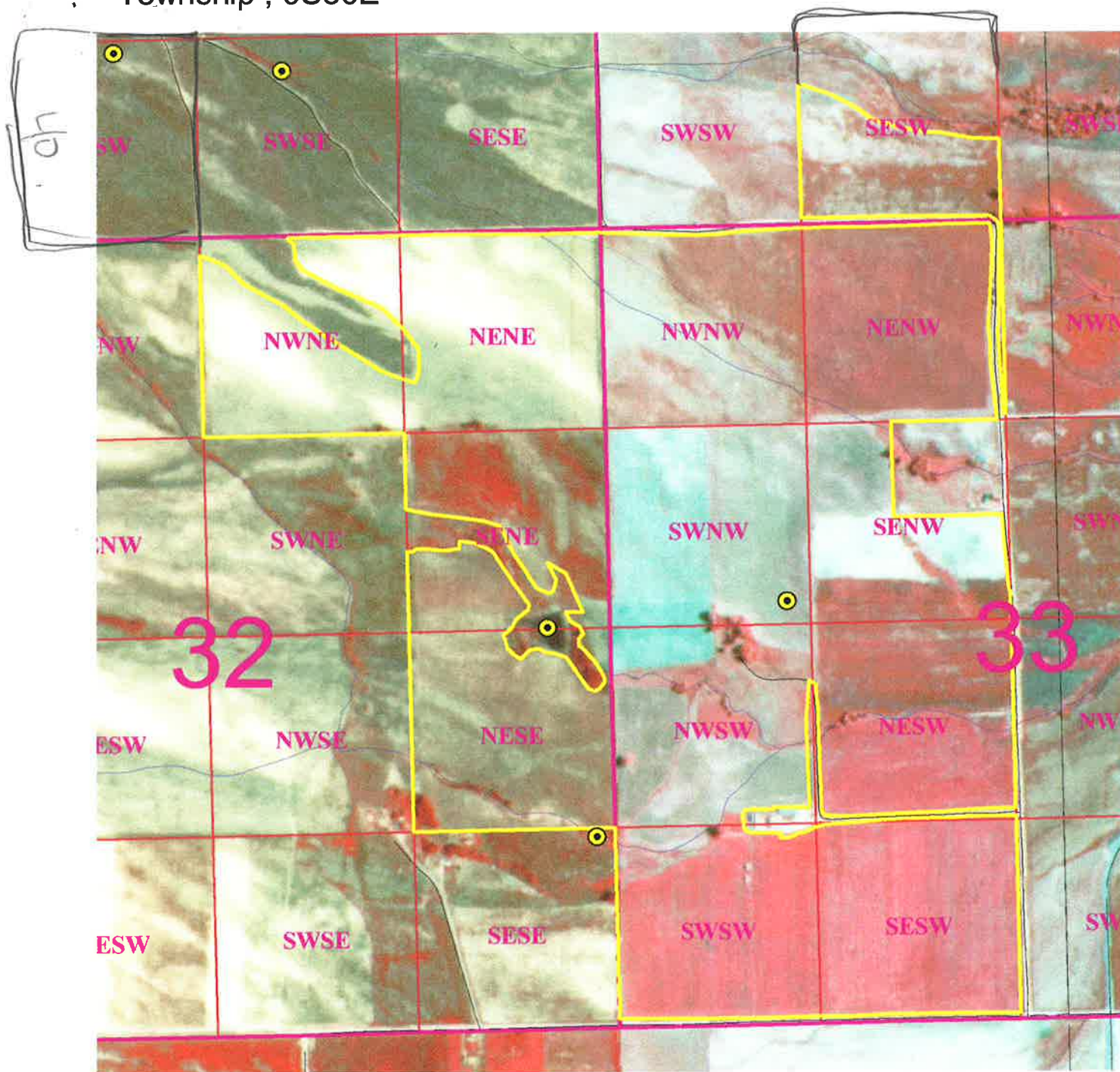
 Streams and Canals



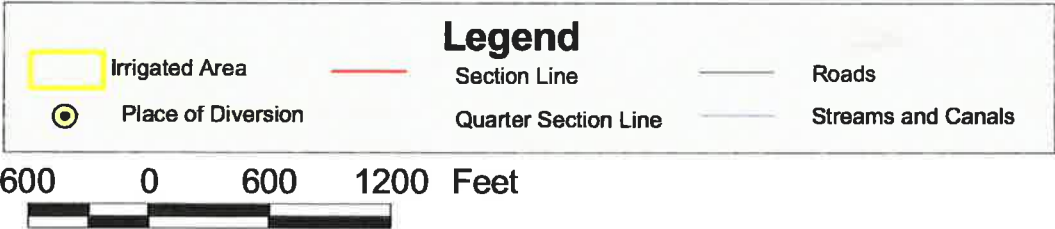
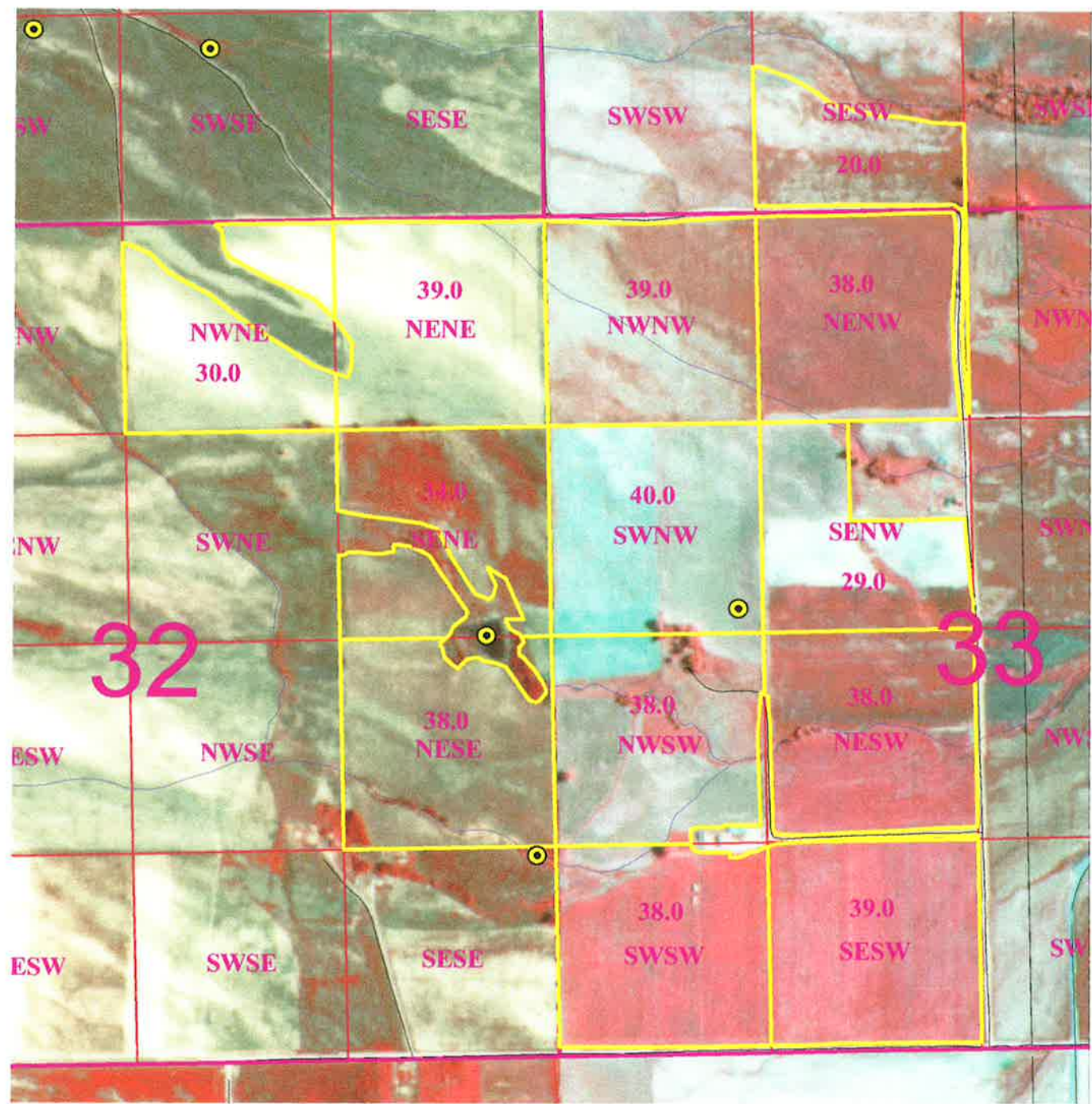
06/22/2000

[illegible]

Township , 9S36E



Township , 9S36E



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO

IN AND FOR THE COUNTY OF BANNOCK

James Henderson, Benjamin W. Henderson,
and James Henderson Jr., partners under the firm
name and style of James Henderson & Sons, and
Melvin Henderson,

Plaintiffs

vs.

Thomas Marley, Mark R. Lawrence, William
Stinger, Mary Davis, and Gwenllion Marley
(intervenor),

Defendants.

DECREE.

This case having been commenced on May 7th. 1901, and there after all the parties having duly entered their appearance, W. T. Reeves Esq., and F. S. Dietrich Esq., appearing for the plaintiffs. S. C. Winters Esq., appearing for Thomas Marley, William Stinger and the intervenor, Gwenllion Marley, and Messers Terrell and Gahoon appearing for the defendants-Mark R. Lawrence and Mary Davis.

And thereafter it was stipulated by the counsel for the respective parties that the cross complaints and the complaint in intervention should be deemed and treated as duly denied with the same force and effect as if verified answers thereto were duly filed.

And thereafter, the court having heard the evidence adduced by the several parties in support of their respective claims, and the counsel for the respective parties having made their arguments, and the court being fully advised in the premises and having made and filed herein its findings of fact and conclusions of law.

Now therefore in accordance with its findings and conclusions it is ordered, adjudged and decreed that the waters of Birch creek and of Lost Creek both of which said creeks are situate in Bannock county, State of Idaho, be, and the same are hereby,

ated and decreed to the several parties to this suit for beneficial purposes and in amounts and of the dates with priority of rights as follows, to wit

0333 To James Henderson, Benjamin W. Henderson and James Henderson Jr., partners under the firm name and style of James Henderson & Sons, all of the waters of said lost creek, and one and one-tenth cubic foot per sec. of the water of Birch creek, dating from July 1st, 1879.

29 0334 To Melvin Henderson one cubic foot of water per second of the waters of Birch Creek dating from July 1 1879

29 0335 To the intervenor Grenllion Marley two fifths of a cubic foot per second of the water of Birch creek, dating from July 1 1879 *0.40 cfs*

29 0336 To Mary Davis three tenths of a cubic foot per second of the water of Birch creek dating from April 1 1881:

29 0337 To Mark R. Lawrence, one tenth of a cubic foot per second of the water of Birch Creek dating from July 1 1882

29 0338 To Thomas Marley three tenths of a cubic foot per second of the water of Birch creek dating from July 1, 1889

That William Stinger is not entitled to any of the waters of the said Birch Creek.

That the several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion from the natural channel of the said Birch creek, excepting the right decreed in the said lost creek.

That the said waters of Birch creek be measured under the weir system in cubic feet per second of time.

It is further ordered that each of the said parties to this suit construct and maintain at their several points of diversion respectively substantial and uniform boxes head gates and weirs for the measurement of their said water.

It is further ordered, adjudged and decreed, that each and every of the parties to this suit, their agents, attorneys, assignees, and grantees be and they are hereby restrained & perpetually enjoined from in any manner interfering with the waters of the said Birch creek and of the said lost creek, or exercising any other or greater rights

erence to the said waters than is herein decreed to the said parties respectively.

It is further ordered that each party to this suit pay his own costs.

Dated this 13th day of March 1902

Joseph C. Rich

Judge of the District Court.

STATE OF IDAHO,)
 (SS.
County of Bannock.)

I, E. G. Gallet, Clerk of the District Court in and for said County and State, hereby certify the within and foregoing to be a full true and correct copy of the original decree as recorded at page 118 of Judgement Book No. 2 records of said County.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 11th day of May, A.D.1903.

E. G. Gallet,
Clerk of said Court

(SEAL)

By D.N.Campbell, Deputy.

JUN 04 2001

Log for claim A29-00333

Spatial Dynamics LTD

6/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	28	SESW	19	20	
09s36e	32	NENE	38	39	
09s36e	32	NWNE	30	30	
09s36e	32	SENE	35	34	
09s36e	32	NESE	37	38	
09s36e	33	NENW	38	38	
09s36e	33	NWNW	40	39	
09s36e	33	SWNW	39	40	
09s36e	33	SENW	29	29	
09s36e	33	NESW	39	38	
09s36e	33	NWSW	37	38	
09s36e	33	SWSW	39	38	
09s36e	33	SESW	39	39	
Totals:			459	460	

other water rights
not filed on

AJ5809NP
No. A29-00333

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DONALD R PETERSEN 11751 S HENDERSON RD MC CAMMON ID 83250 (208) 254-3930	07/01/1879	IRRIGATION	03-01 11-01	2.500 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.500 CFS 1500.00 AFA

Water Source: LOST CREEK
BIRCH CREEK
SPRINGS

Tributary to: BIRCH CREEK
MARSH CREEK
SINKS

Stage: DECREED

Point(s) of Diversion:	T09S R36E S29	SESW	SWSE	BANNOCK County
	S30	SWNE		BANNOCK County
	S32	SESENE	NESESE	BANNOCK County
	S33	SESWNW		BANNOCK County
Point(s) of Re-diversion:	T09S R36E S29	SESW	SWSE	BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
09S	36E	28	:													19				:	19.0			
09S	36E	32	:	38		30												37		:	140.0			
09S	36E	33	:							38	40	39	29		39	37	39	39		:	300.0			
																				TOTAL ACRES			:	459.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-07342

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-12760 A29-04168 A29-12760

Other Water Rights Listing Overlapping Place(s) of Use:
A29-07342 A29-12258

Remarks: GEN DIVERSION RATE 1.1 CFS FROM BIRCH CREEK.
DIVERSION RATE "ALL THE WATER OF SAID LOST CREEK".
SOURCE LOCATION APPROX. T9S, R36E.
ADDRESS CHANGE BY CLAIMANT LETTER.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A29-00333

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 2

Audit: 06/14/90 DCARLSON 06/24/93 WILSON 05/24/94 COX 03/29/95 POST-STD
03/19/98 SSHERMAN

RECEIVED

MAR 16 1998

Department of Water Resources

3-12-98

Please change mailing Address 37.5 350E.
Claretia, Utah
84015.

To - Donald B. Petersen
11751 South Henderson Rd.
McCummon, IDAHO 83250
1-208-254-3930
Permit NO. 29-07342 -

Thank you.

Donald B. Petersen

Water Right Number Assigned by IDWR.

A29-00333

A record modified 3/19-1998. as

cc: W.M., D.A.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 24 1993

Department of Water Resources
Eastern District Office

DATE OF CLOSING: _____

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: A29-00333
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Oak Hills Partnership
c/o 375 350 E Clearfield Utah Ralph C Petersen
375 350 E
Clearfield UT 84015
- ☐ New Owner/Claimant (Purchaser): Jim Petersen
- ☐ New Mailing Address: 375 350 E Clearfield Utah 84015
- ☐ New Telephone Number: (801) 773-7276
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(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) Jim Petersen Date 6-24-93
- ☐ Signature of Former Owner/Claimant(s): Ralph C. Petersen Date 6/24/93
for Oak Hills Date _____

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

6-24-93 No letter sent to new ownership
C/o was Done here / Keith Wilson. go

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED

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

APR 12 1994

29-00333

The Notice for water from Lost Creek and Birch Creek appears to be right, 29-00333 in the Departments records. Though the decree does not specify a specific amount of water, in order to complete items #6 and #7 a quantity of water must be identified. This quantity should probably be based on the most water diverted.

The period of use should also be listed in Item#6. The irrigation season for that area is generally recognized as April 1 to Nov. 1.

The acreage shown in Item #10 should be the land irrigated by water from Birch and Lost Creek.

The Notice also refers to springs. However, the notice does not explain what extent the springs are used. Please clarify this on the notice.

With no change in the place of use the filing fee for this notice is \$650.00 (\$50.00 for the notice plus \$1.00/acre).

Claims by corporations, municipalities, and other organizations must be signed by an officer of the corporation, an elected official of the municipality, or an individual authorized by the organization to sign the form. The "For Organizations" block in Item #16 must be completed with the signator's title and must be notarized.

MICROFILMED

NOV 13 1992

Olson Page - 2

Department records reveal the permit numbered 29-7342 lapsed in 1981 because proof of beneficial use was not filed. The record indicates the permit was never assigned to Mr. Peterson. Unfortunately since the permit has lapsed there is no water right on which to base a Notice of Claim. To acquire a water right Mr. Peterson can either request reinstatement of the permit, causing the priority date to be advanced to the day proof of beneficial use is filed or he can file an application for another permit. I would strongly suggest Mr. Peterson or yourself contact this office to discuss the particulars of both procedures. As a convenience both a beneficial use form and an application for permit are enclosed.

The Notice for water from Lost Creek and Birch Creek appears to be right, 29-00333 in the Departments records. Though the decree does not specify a specific amount of water, in order to complete items #6 and #7 a quantity of water must be identified. This quantity should probably be based on the most water diverted.

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*The Springs and
Water from
Birch Creek and
Lost Creek are
collected into
the same mainline*

MICROFILMED

NOV 13 1992

Olson Page - 3

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ernest Carlsen".

Ernest Carlsen
Adjudication Supervisor

EC:bb

Enclosure

MICROFILMED

NOV 13 1992

270,91
294
2961

In the District Court of the Fifth Judicial District of Idaho, in
and for the County of Bannock.

James Henderson, Benjaminine

W. Henderson, and James Henderson, Jr.
partners under the firm name and style
of James Henderson & Sons, and Melvin Hen-
derson,

Plaintiffs,

vs

Thomas Marley, Mark R. Lawrence, William
Stinger, Mary Davis, and Gwenlion Marley
(intervenor),

Defendants,

findings of Fact
and Conclusions of Law.

This case having been commenced on May 7th, 1901, and
thereafter all the parties having duly entered their appearance,
W. T. Reeves, Esq., and F. S. Dietrich, Esq., appearing for the
plaintiffs, S. C. Winters, Esq., appearing for Thomas Marley,
William Stinger, and the intervenor, Mrs. Gwenlion Marley, and
Messrs Terrill & Guheen appearing for the defendants Mark R. Law-
rence and Mary Davis.

And thereafter it was stipulated by the counsel for the
respective parties that the cross complaints and the complaint in
intervention should be deemed and treated as duly denied with the
same force and effect as if verified answers thereto were duly filed.

And thereafter, the court having heard the evidence
adduced by the several parties in support of their respective claims,
and the counsel for the respective parties having made their argu-
ments, and the court being fully advised in the premises, now, upon
thisday of March, 1902, the same being a day of the regular
term of said court, the court makes and files its findings of
fact and conclusions of law herein as follows, to-wit:

FINDINGS OF FACT.

First. That ever since July 1st, 1879, the plaintiffs, James
Henderson, Benjaminine W. Henderson, and James Henderson, Jr., part-
ners under the firm name of James Henderson & Sons, and their pre-
decessors in interest, have been in actual possession and have been

#2.

the owners and entitled to possession as against all the world except the United States of about two hundre (200) acres of land lying adjacent to that certain stream of water known as Birch Creek, both said creek and land being situate in Bannock County, Idaho, said land being bounded on the South by what is known as the Parley Cutler tract of land, on the West by the lands known as the Mary Davis and James Ellis tracts of land, and upon the North by the George Gittens tract, and upon the East by the lands of Thomas Jenkins. That such possession has been continuous and without objection upon the part of any person whatever.

Second. That said tract of land so possessed by the said plaintiffs is naturally arid in character, and requires the artificial use of water thereon to produce crops of any kind in paying quantities.

Third. That on the first day of July, 1879, the said plaintiffs and their predecessors in interest, by means of dams and ditches, diverted one and one-tenth cubic feet per second of the water flowing in the said Birch Creek, and conveyed the same to and upon the said land, and ever since the said July 1st, 1879, they have continued to use the said amount of water in the irrigagation of said lands and in raising agricultural crops thereon and for domestic purposes.

Fourth. That in the Spring of the said year 1879, the said plaintiffs, and their predecessors in interest, by means of dams and ditches, diverted and conveyed to the said land all of that certain stream near said lands known as Lost Creek, and ever since said Spring of 1879, they, the said plaintiffs, and their predecessors, in interest, have continuously used all of the water flowing in the said stream in irrigating the said land and in raising agricultural crops thereon. And in regard to the said stream, the court further finds that the water flows therein only during the Spring and early summer of each year, and that no other person has ever used any of the water thereof.

Fifth. That the whole of the water flowing in the said Lost Creek

#3.

and the amount of water so diverted and used from the said Birch Creek was, and is insufficient properly to irrigate all of the said lands of the said plaintiffs.

Sixth.

That ever since July first, 1879, the plaintiff, Melvin Henderson, and his predecessors in interest, have been in the actual possession and have been the owners and entitled to possession as against all the world except the United States of the eighty acres of land lying adjacent to that certain stream of water known as Birch Creek, both the said creek and land being situated in Bannock County, Idaho, the said land lying near the tract hereinbefore described as being in the possession of the said James Henderson & Sons, and being at the time of the commencement of this action, and at the time of the trial thereof in possession of the said plaintiff, Melvin Henderson; that such possession has been continuous and without objection on the part of any person whatever.

Seventh. That said tract of land so possessed by the said plaintiff, Melvin Henderson, is naturally arid in character and requires the artificial use of water thereon to produce crops of any kind in paying quantities.

Eighth. That on the said first day of July, 1879, the said plaintiff, Melvin Henderson, and his predecessors in interest, by means of dams and ditches, diverted one cubic foot per second of the water flowing in the said Birch Creek, and conveyed the same to and upon the said land described as being in his possession, and ever since the said first of July, 1879, he, and his predecessors in interest, have continued to use the said amount of water in the irrigation of said land and in raising agricultural crops thereon and for domestic purposes.

Ninth.

That it requires at the rate of one foot (cubic) of water per second successfully to irrigate fifty acres of the lands hereinbefore described as being in possession of and belonging to the said plaintiffs, and each and all of them.

Tenth. That there is no source from which water could or can be

#4.

obtained with which to irrigate said lands, or any of them, other than the said Birch Creek and the said Lost Creek?

Eleventh. That the use of the amounts of water hereinbefore mentioned has on the part of the said plaintiffs, and their predecessors in interest, always been open and notorious, and under the claim on the part of the plaintiffs and their predecessors in interest of a prior and exclusive right thereto.

Twelfth. That during the year 1900 the defendants interfered with the plaintiffs' rights in the said water, and with the plaintiffs' use thereof, and threatened to continue such interference.

Thirteenth. That at the time of the commencement of this action the plaintiffs, James Henderson, Benjamin W. Henderson, and James Henderson, Jr., were, and for a long time immediately prior thereto they had been, partners under the firm name of James Henderson & Sons.

Fourteenth. That at the time of the commencement of this action and at the time of the trial of the same the said plaintiffs, the said James Henderson & Sons, were the owners of and had the right to use one and one-tenths cubic feet per second of the waters of the said Birch Creek, and the said plaintiff, Melvin Henderson, of one cubic foot per second of the waters of the said Birch Creek, prior and superior to the rights of all other parties to this suit in the waters of said creek, excepting only the right of the intervenor, Gwenlion Marley, whose right, as hereinafter found, is of equal dignity therewith.

Fifteenth. That both of the said streams and also the lands of the plaintiffs, as well as all the lands of the defendants and of the intervenor, except the claim of the defendant William Stinger, are situated upon what is known as the Fort Hall Reservation, but the possession of the said lands and the use of the said waters by the plaintiffs and their predecessors in interest have never been questioned or objected to by the Indians occupying the said reservation or by any officer or agent of the said Indians, or of the United States of America, but, upon the other hand, the said Indian Agent, gave to the plaintiffs express permission to occupy the said lands

#5.

and use the said waters and the said plaintiffs and their predecessors in interest during all the times herein mentioned have occupied and resided upon the said lands and have used them as homes and for the purpose of raising agricultural crops thereon.

Sixteenth. That the intervenor, Gwenlion Marley is the widow of John Marley, deceased, and is the duly qualified and acting administratrix of his estate.

Seventeenth. That ever since the first day of July, 1879, the said intervenor and her predecessors in interest have been in possession of certain unsurveyed lands situate upon the said Indian Reservation, as aforesaid, the same being approximately the South one-half of the southwest quarter of section thirty-three (33), the South one-half of the southeast quarter of section thirty-two (32), Township nine (9) South, Range thirty-six (36) East, B. M., County of Bannock, State of Idaho.

Eighteenth. That on the first day of July, 1879, the said intervenor and her predecessors in interest by means of dams and ditches diverted two-fifths of a cubic foot per second of the water flowing in the said Birch Creek, and conveyed the same to and upon the said land and ever since the said July 1, 1879, they have continued to use the said amount of water in the irrigation of the said lands and in the raising of agricultural crops thereon, and for domestic purposes.

Nineteenth. That the said lands of the intervenor are arid in character and require the artificial use of water thereon to raise agricultural crops in paying quantities.

Twentieth. That it requires at the rate of one cubic foot of water per second to irrigate fifty acres of the said land, and there is no other source from which water to irrigate the same can be obtained.

Twenty-first. That the plaintiffs have not interfered with the said intervenor in her use of the said amount of water, and have not so threatened so to do.

Twenty-second. And ever since April 1, 1881, the defendant, Mary

#6.

Davis, and her predecessors in interest, have been in possession of the tract of land situate upon the said Indian Reservation, in the County of Bannock, State of Idaho, bounded on the South by the said lands of Melvin Henderson, on the West by the lands of Mark R. Lawrence, on the North by the lands of James Ellis, and the East by the lands of George Glover, the same being adjacent to the said Birch Creek.

Twenty-third. That on the said first day of April, 1881, the said Mary Davis and her predecessors in interest by means of dams and ditches diverted three-tenths³ of a cubic foot per second of the water flowing in the said Birch Creek, and conveyed the same to and upon the lands so possessed by them, and ever since the said April 1, 1881, they have continued to use the said amount of water in the irrigation of said lands and in the raising of agricultural crops thereon, and for domestic purposes; that the said diversion and appropriation was subsequent and subject to the diversions and appropriations made by the plaintiffs and the said intervenor, Gwenlion Marley and their predecessors in interest.

Twenty-fourth. That the fourth paragraph of the cross complaint of the said Mary Davis is not true, and no agreement was made by the parties hereto, or their predecessors in interest, or any of them, by which it was agreed that the water of Birch Creek should be owned or held jointly, or that each should have the alternate use thereof, nor was the said water ever used in such manner or under any such agreement.

Twenty-fifth. That there is no other water supply available for the irrigation of said land.

Twenty-sixth. That the said land is naturally arid in character and requires at the rate of one cubic foot per second of water for every fifty acres properly to irrigate the same.

Twenty-seventh. That the plaintiffs have never interfered with the said defendants in the rightful use of said water.

Twenty-eighth. That the said defendants use of the said water has not been adverse to the rights of the plaintiffs.

Twenty-ninth. That ever since July 1, 1888, the defendant, Mark

#7.

R. Lawrence, and his predecessors in interest, have been in the possession of that certain tract of land situate on the said Indian Reservation in Bannock County, Idaho, and described as being the unsurveyed East one-half of the Southeast one-fourth, and the southeast one-fourth of the Northeast one-fourth of Section thirty-two (32), and the Southwest one-fourth of the Northwest one-fourth of Section thirty-three (33), Township nine (9), South, Range thirty-six (36) East B. M., containing one hundred sixty (160) acres, the said land being situate near the said Birch Creek.

Thirtieth. That on July 1, 1888, the said defendant, Mark R. Lawrence, and his predecessors in interest, by means of dams and ditches diverted one-tenth of a cubic foot of water per second of the water flowing in the said Birch Creek, and conveyed the same to and upon the said land, and ever since the said July 1, 1888, they have continued to use the said amount of water in the irrigation of the said land and in the raising of agricultural crops thereon, and for domestic purposes.

Thirty-first. That the said land is arid in character, and requires the artificial use of water thereon, and there is needed for the successful irrigation thereof at the rate of one cubic foot per second of water for every fifty acres.

Thirty-second. That the said defendant's use of the said water has never been adverse to the use or rights of the plaintiffs.

Thirty-third. That the said diversion and appropriation were made subsequent to and are subject to the diversions and appropriations of the plaintiffs and of the said intervenor.

Thirty-fourth. That the said defendant and his predecessors in interest, did not make any appropriation or diversion of the waters of the said Birch Creek in 1880, as alleged.

Thirty-fifth. That there is no other available water supply for the said land.

Thirty-sixth. That the said defendant never had the actual, or open or exclusive use of more than one-tenth of a cubic foot per second of the waters of Birch Creek, for a period of five years, nor

#8.

has he ever had possession of or the use of any of the waters of the said Birch Creek adverse to or exclusive of the rights, use and possession of the plaintiffs in and to the waters of the said creek to the amount as hereinbefore found.

Thirty-seventh. That ever since July 1, 1889, the defendant Thomas Marley, and his predecessors in interest, have been in possession of the North one-half of the Southwest one-fourth of Section thirty-three (33), and the West one-half of the Southeast one-fourth of Section thirty-two, Township nine (9), south, Range thirty-six (36) East B. M., the same being situate on the said Indian Reservation in the County of Bannock, State of Idaho; that said lands, as all other lands herein referred to, are unsurveyed.

Thirty-eighth. That on the first day of July, 1889, the said Thomas Marley, and his predecessors in interest, by means of dams and ditches diverted three-tenths of a cubic foot per second of the water flowing in the said Birch Creek, and conveyed the same to and upon the said land, and ever since the said first of July 1889, they have continued to use the said amount of water in the irrigation of the said lands, and in raising agricultural crops, and for domestic purposes.

Thirty-ninth. That the said lands are arid in character, and require the artificial use of water thereon and water at the rate of one cubic foot per second for ever fifty acres thereof is necessary to properly irrigate the same.

Fortieth. That there is no water other than that of Birch Creek available for the irrigation of the said land.

Forty-first. That the said diversion and appropriation were made subsequent and are subject to the diversions and appropriations of the plaintiffs and of the intervenor and of the said other defendants.

Forty-second. That all the waters of the said Birch Creek had been diverted prior to any claim or attempt on the part of the defendant William Stinger to divert or appropriate any part thereof, and the said defendant William Stinger never made any appropriation or

#9.

diversion of any of the waters of said stream, and the said defendant William, Stinger, has no right to or any interest in any portion of the waters of the said stream.

forth-third. That none of the parties hereto ever made any appropriation or use of any of the waters of the said Birch Creek or Lost Creek other than at the times and in the amounts hereinbefore expressly found.

Conclusions of Law.

And the court makes and files the following conclusions of law, to-wit:

That the plaintiff, James Henderson & Sons, is entitled to a decree for all of the water of Lost Creek, and for one and one-tenth cubic feet per second of the water of Birch Creek, dating from July 1, 1879.

That the plaintiff Melvin Henderson is entitled to a decree for one cubic foot of water per second of the waters of Birch Creek, dating from July 1, 1879.

That the intervenor Gwenlion Marley is entitled to two-fifths of a cubic foot per second of the water of Birch Creek, dating from July 1, 1879.

That Mary Davis is entitled to a decree for three-tenths of a cubic foot per second of the waters of Birch Creek, dating from April 1, 1881.

That the defendant Mark R. Lawrence is entitled to a decree for one-tenth of a cubic foot per second of the waters of Birch Creek, dating from July 1, 1888.

That the defendant Thomas Marley is entitled to a decree for three-tenths of a cubic foot of water per second of the waters of the said Birch Creek, dating from July 1, 1889.

That the defendant William Stinger is not entitled to a decree for any of the waters of the said Birch Creek/

And accordingly it is ordered that a decree be entered in the usual form, decreeing the said waters as hereinbefore specified and enjoining the parties thereto from interfering with each others rights, and providing a method for measuring the said water.

Dated this 13th day of March, 1902.

Joseph C. Rich,

District Judge



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 2, 2002

Donald Petersen
11751 S. Henderson Road
McCammon, ID 83250-1633

REF: Snake River Basin Adjudication Claims
A29-7342 and A29-333

Subject: Copy of your warranty deed

RESPONSE DATE: October 22, 2002

Dear Mr. Petersen,

During my recent visit to your farm I requested a copy of your warranty deed. I still need that documentation so if you would send me a copy by the response date I would appreciate it.

Your amended adjudication claim 29-333 included the source "springs", tributary to sinks, which is not part of the original decree. According to my notes the springs are used for in stream stock water. If you would like to claim the springs for stock water you'll have to file a separate claim because it's not a decreed source under this number. You do not have to file in the Snake River Basin Adjudication on in stream stock water.

We had also discussed some additional water rights on your property that has not been filed on. If you would like to file those additional claims please give me a call at 547-3993.

Sincerely;

Cindy E. Bird
Adjudication Bureau

Priority Date Data Entry Form

Claim Number: A29-00333
Water Right Priority Date: July 1, 1879 Water Right Basis: decree
Claimed Priority Date: 7-1-1879 Claimed Basis: Decreed
Recommended Priority Date: 7-1-1879 Recommended Basis: decree

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

- decree

Reviewer: CBDate: 10/2/02

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NOV 04 2005
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Point of Diversion and Source Data Entry Form

Claim Number: A29-00333Water Right Point of Diversion: T 9S, R 36E, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 9S, R 36E, Sec. 29, _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>9S</u>	<u>36E</u>	<u>29</u>		<u>SW SE.</u>	<u>Bannock</u>	<u>Birch Crk.</u>
GPS Coordinates: <u>N 42° 36' 37.2"</u>				<u>W 112° 16' 30.2"</u>		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

field exam
POD is at the pipe.

Transfers Changing POD _____

Reviewer: CB

PROFILED

Date: 2/21/03

SCANNED

NOV 04 2005

Place Of Use Data Entry FormClaim Number: A129-00333☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

PROFILED

Date: _____

SCANNED
NOV 04 2005

Purpose of Use Data Entry FormClaim Number: A29-00333☐ Use Claimed Purpose of Use as Recommended Purpose of Use**Water Right Purpose of Use**

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

PROFILED**SCANNED**
NOV 04 2005

Period of Use and Quantity Data Entry Form

Claim Number:

A29-00333☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

SCANNED
Date: _____

NOV 04 2005

PROTECTED

EXAM INFORMATION

Exam Date

Tues
9/3/02

Exam Time

10Am.

CLAIM(S)

NAME

Donald Petersen or Donna.

ADDRESS

11751 S. Henderson Rd

PHONE ()

254-3902

HOME

WORK

CELL

DOMESTIC

STOCKWATER

IRRIGATION

☒

OTHER

OTHER RIGHTS

DIRECTIONS

Jensen Rd - West.

Get out of the valley.

Back home - West side of the road.

DOGS

DATE

APPOINTMENT

SCANNED

NOV 04 2005

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Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Donald R Petersen	11751 S. Henderson Rd				
Name connector: and		or ☒ and/or				
Current Owner	Donna Petersen	McCammon, ID	83250		1633	
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Don Petersen Phone Number: 254-3930Relationship to Claimant: claimantDate of Field Exam: 9/3/02 Time: 10AM

Directions to Property (if different from above) and/or update owner information:

Jensen Rd - West
get out of the valley
Back house - West side of the road.
- Stinger
- Henderson Rd.
- Request a copy of the warranty deed
- CRP contract

Reviewer: CBDate: 10/2/02

SCANNED

NOV 04 2005

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**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s):

A29-7342, A29-333

Previous Mailing Address:

Donald R. Petersen *OR Donna*
37 So 350 St.
Clearfield, UT 84015

New Mailing Address:

17515 Henderson Rd
McCammon Id
83250-1633

Telephone Number:

(208) 254-3930

Signature of Claimant(s):

Donald R. Petersen

Please return this completed form to:

**Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177**

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____

Date: _____

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**SCANNED
NOV 04 2005**

CRP - original - Purchased in 1992 and the ground
some taken out was in CRP. 1987.

1992 - purchased the property → 2007

also owns property under:

29 - 334

335

336

337

338

333 1.1

334 1.0

335 7/5 ~~0.04~~ 0.20

336 1/2 0.3

337 0.10

338 0.30

~~2.54~~ 3.0 cfs. = 150 acres

~~~ 270 acres~~ - irrigated. (S.W.)

504 - 3/1 vs 4/1

Storage Reservoir - been there since the turn  
of the century.

- source - Birch Creek a Springs irrigation - puts into mainline

looking W. @ Birch Creek where it enters into the pipe

9/3/02

10:29 AM ( 11:29 AM)

Birch Crk - goes into pipe

N 42° 36.372'

W 112° 16.302'

1 photo.

12:15 - looking east a POU - lost Crk in the foreground

- 1 photo close-up. w/reservoir

29- 334. no claim.

335 } Nancy Armstrong  $\frac{1}{2}$  Nancy -  $\frac{1}{2}$  Don.  
338 }

No claims for 334, 336, 337 -

12:45.

Need to keep Qty from Buck Creek  
and lost creek separate.

2.9 (Lost Creek) somehow measure.  
- do a manning on creek.

- previous owner
- early photos.

SD-0607-2 Basin: 29 Starting Water Right: 00333

STATE

| S<br>E<br>L | Water<br>Right No. | Name<br>Last, First  | O<br>W<br>N | Priority<br>Date | STG/<br>STS | Source      | Use<br>Code Desc |
|-------------|--------------------|----------------------|-------------|------------------|-------------|-------------|------------------|
| -           | 29-00333           | HENDERSON, JAMES     | C           | 07/01/1879       | D/          | LOST CREEK  | 01 IRR           |
| -           |                    | HENDERSON, BENJAMINE | C           |                  |             | BIRCH CREEK |                  |
| -           |                    | HENDERSON, JR., JAME | C           |                  |             |             |                  |
| -           | 29-00334           | HENDERSON, MELVIN    | C           | 07/01/1879       | D/          | BIRCH CREEK | 01 IRR           |
| -           | 29-00335           | MARLEY, GWENLION     | C           | 07/01/1879       | D/          | BIRCH CREEK | 01 IRR           |
| -           | 29-00336           | DAVIS, MARY          | C           | 04/01/1881       | D/          | BIRCH CREEK | 01 IRR           |
| -           | 29-00337           | LAWRENCE, MARK R.    | C           | 07/01/1888       | D/          | BIRCH CREEK | 01 IRR           |
| -           | 29-00338           | MARLEY, THOMAS       | C           | 07/01/1889       | D/          | BIRCH CREEK | 01 IRR           |
| -           | 29-00339           |                      |             | 00/00/0000       | /Z          |             |                  |
| -           | 29-00339A          | COFFIN, W. H.        | C           | 05/01/1872       | D/          | BRUSH CREEK | 01 IRR           |
| -           |                    |                      |             |                  |             |             | 43 DOMEST        |
| -           |                    |                      |             |                  |             |             | 04 STOCK         |
| -           | 29-00339B          | BLOXHAM, EST. OF JOH | C           | 05/01/1872       | D/          | BRUSH CREEK | 01 IRR           |
| -           | 29-00339C          | ALDOUS, FRED         | C           | 05/01/1872       | D/          | BRUSH CREEK | 01 IRR           |
| -           | 29-00340           | BYBEE, WM. J.        | C           | 06/09/1915       | D/          | SPRINGS     | 01 IRR           |
| -           |                    | JOHNSON, MARK L.     | C           |                  |             |             | 43 DOMEST        |

(Enter=Continue)

(GOLD 7=This Query)

(Menu \_\_\_\_\_)

PROFITLAND

SCANNED  
NOV 04 2005

WR5809NP  
No. 29-00333

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/26/01  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JAMES HENDERSON        | 07/01/1879       | IRRIGATION | 00/00 00/00           | 1.100 CFS         |                     |
| C                | BENJAMINE W. HENDERSON |                  |            |                       |                   |                     |
| C                | JAMES HENDERSON, JR.   |                  |            |                       |                   |                     |
| TOTAL DIVERSION: |                        |                  |            |                       | 1.100 CFS         |                     |

Water Source: LOST CREEK  
BIRCH CREEK

Tributary to: BIRCH CREEK  
MARSH CREEK

Stage: DECREED

Pou County:

Remarks: GEN DIVERSION RATE 1.1CFS FROM BIRCH CREEK.  
DIVERSION RATE "ALL THE WATER OF SAID LOST CREEK".  
SOURCE LOCATION APPROX. T9S, R36E.  
P/D & P/U INCOMPLETE.

Dates: App. Received: Priority Date: 07/01/1879  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

NOTED

SCANNED  
NOV 04 2005

WR5809NP  
No. 29-00334

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/26/01  
PAGE: 2

| OWNER<br>CODE    | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | MELVIN HENDERSON | 07/01/1879       | IRRIGATION | 00/00 00/00           | 1.000 CFS         |                     |
| TOTAL DIVERSION: |                  |                  |            |                       | 1.000 CFS         |                     |

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Pou County:

Remarks: GEN P/D & P/U INCOMPLETE.  
SOURCE LOCATION APPROX. T9S, R36E.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 07/01/1879 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

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NOV 04 2005  
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WR5809NP  
No. 29-00335

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/26/01  
PAGE: 3

| OWNER<br>CODE    | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | GWENLION MARLEY | 07/01/1879       | IRRIGATION | 00/00 00/00           | 0.400 CFS         |                     |
| TOTAL DIVERSION: |                 |                  |            |                       | 0.400 CFS         |                     |

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Pou County:

Remarks: GEN P/D & P/U INCOMPLETE.  
SOURCE LOCATION APPROX. T9S, R36E.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 07/01/1879 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

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NOV 04 2005  
SCANNED

WR5809NP  
No. 29-00336

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/26/01  
PAGE: 4

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | MARY DAVIS     | 04/01/1881       | IRRIGATION | 00/00 00/00           | 0.300 CFS         |                     |
| TOTAL DIVERSION: |                |                  |            |                       | 0.300 CFS         |                     |

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Pou County:

Remarks: GEN P/D & P/U INCOMPLETE.  
SOURCE LOCATION APPROX. T9S, R36E.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 04/01/1881 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

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NOV 04 2005

WR5809NP  
No. 29-00337

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/26/01  
PAGE: 5

| OWNER<br>CODE    | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | MARK R. LAWRENCE | 07/01/1888       | IRRIGATION | 00/00 00/00           | 0.100 CFS         |                     |
| TOTAL DIVERSION: |                  |                  |            |                       | 0.100 CFS         |                     |

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Pou County:

Remarks: GEN P/D & P/U INCOMPLETE.  
SOURCE LOCATION APPROX. T9S, R36E.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 07/01/1888 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

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NOV 04 2005  
SCANNED

WR5809NP  
No. 29-00338

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/26/01  
PAGE: 6

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | THOMAS MARLEY  | 07/01/1889       | IRRIGATION | 00/00 00/00           | 0.300 CFS         |                     |
| TOTAL DIVERSION: |                |                  |            |                       | 0.300 CFS         |                     |

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Pou County:

Remarks: GEN P/D & P/U INCOMPLETE.  
SOURCE LOCATION APPROX. T9S, R36E.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 07/01/1889 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

|       |                        |                 |
|-------|------------------------|-----------------|
| Misc: | Water District Number: | Field Exam Fee: |
|-------|------------------------|-----------------|

RECEIVED

NOV 04 2005

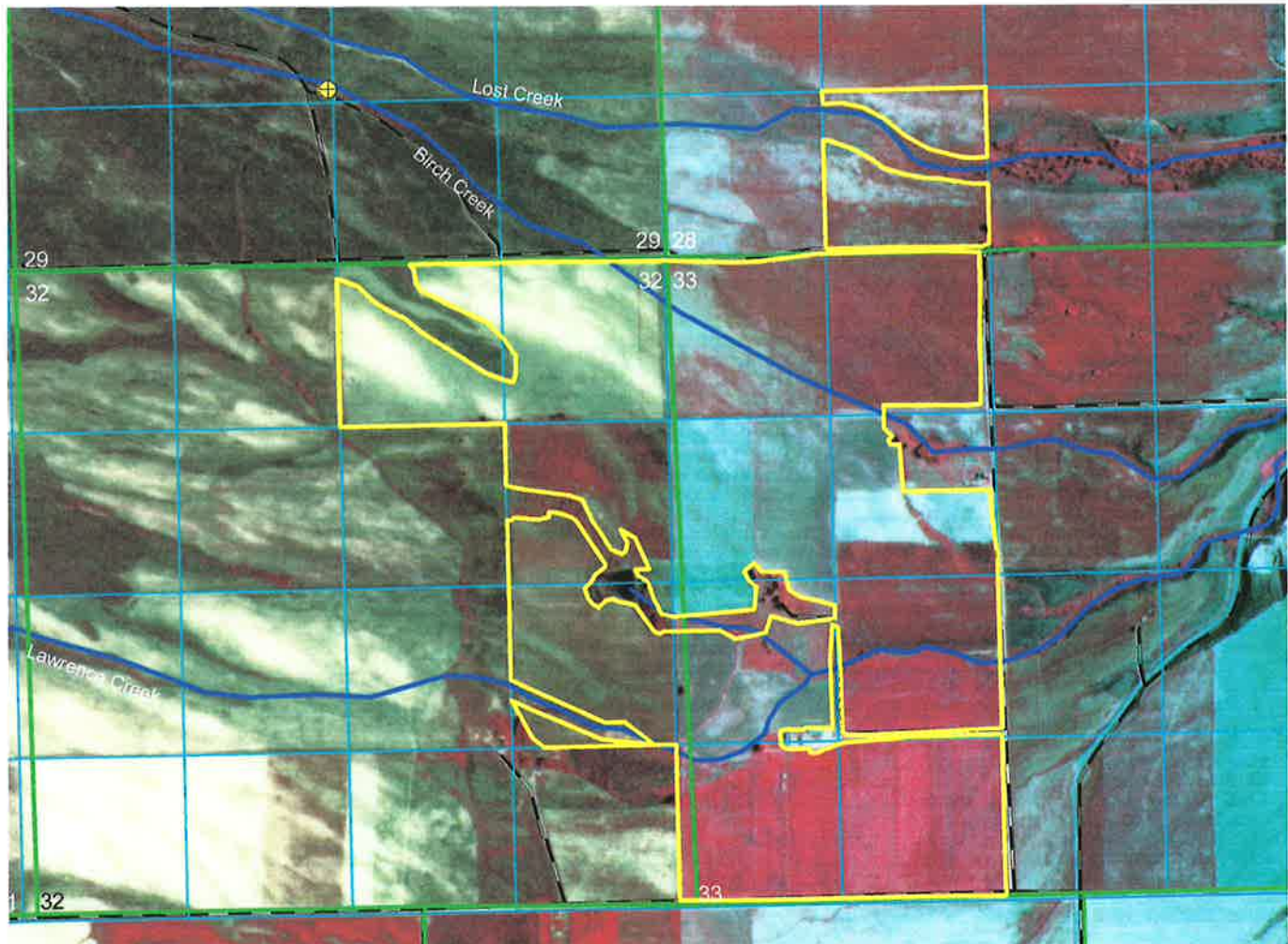
SCANNED



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

**Water Right: 29-333, 29-336, 29-337,  
29-13412, 29-13413 & 29-13414**



0.3 0 0.3 0.6 Miles

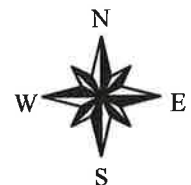
~~IRRIGATED ACRES 456~~

## LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T9S, R36E,  
(part of) Sections 28, 32. and 33.

Points of Diversion: T9S, R36E,  
Sec. 29 SENESW



GIS Place of Use Illustration  
1987/88 NAPP PHOTOGRAPHY  
Prepared by C. Bird  
Date: FEBRUARY 2003

SCANNED

NOV 04 2005

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Summary Data Entry Form

Claim No.: 29-333

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

C05

F06

K06

55

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

Cindy Bird

Date

2/26/03

## Notes

- linked POD. (GPS'd Birch Crk)
- Updated Contact.
- Changed SOU 4/1 - 10/31.
- Updated diversion rate to 1.1 cfs.

Ernie Carlsen said we need to separate  
Lost Creek.

SCANNED

JUN 04 2001

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: **A29-00333**  
Date Received: 6/4/1990  
Receipt No: **E014722**  
Received By: Kaw

AMENDED

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

AMENDED

**254-3936**

801-825-2966

1. Name: DONALD R. PETERSEN  
Address: 37 S 350 E  
CLEARFIELD UT

84015

2. Date of Priority: JUL 1, 1879

3. Source: LOST CREEK  
BIRCH CREEK  
~~SPRINGS~~

Trib. to: BIRCH CREEK  
MARSH CREEK  
SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 09S      | 36E   | 29      |        | SE     | SW  |     | BANNOCK |
|          |       |         |        | SE     | SW  | R   | BANNOCK |
|          |       |         |        | SW     | SE  |     | BANNOCK |
|          |       |         |        | SW     | SE  | R   | BANNOCK |
|          |       | 30      |        | SW     | NE  |     | BANNOCK |
|          |       | 32      | SE     | SE     | NE  |     | BANNOCK |
|          |       |         | NE     | SE     | SE  |     | BANNOCK |
|          |       | 33      | SE     | SW     | NW  |     | BANNOCK |

5. Description of diverting works:

CONCRETE DAM/ MAINLINE TO WHEEL AND HANDLINES

6. Water is used for the following purposes:

|            |       |       |       |      |        |
|------------|-------|-------|-------|------|--------|
| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
| IRRIGATION | 03/01 | 11/01 | 2.500 |      |        |

7. Total Quantity Appropriated is:

2.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

1500.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

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APR 12 1994

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 09S           | 36E   | 28      | SE     | SW  |     | IRR | 19.0  |
| Section Acres |       |         |        |     |     |     | 19.0  |
|               |       | 32      | NE     | NE  |     | IRR | 38.0  |
|               |       |         | NW     | NE  |     | IRR | 30.0  |
|               |       |         | SE     | NE  |     | IRR | 35.0  |
|               |       |         | NE     | SE  |     | IRR | 37.0  |
| Section Acres |       |         |        |     |     |     | 140.0 |
|               |       | 33      | NE     | NW  |     | IRR | 38.0  |
|               |       |         | NW     | NW  |     | IRR | 40.0  |
|               |       |         | SW     | NW  |     | IRR | 39.0  |
|               |       |         | SE     | NW  |     | IRR | 29.0  |
|               |       |         | NE     | SW  |     | IRR | 39.0  |
|               |       |         | NW     | SW  |     | IRR | 37.0  |
|               |       |         | SW     | SW  |     | IRR | 39.0  |
|               |       |         | SE     | SW  |     | IRR | 39.0  |
| Section Acres |       |         |        |     |     |     | 300.0 |
| Total Acres   |       |         |        |     |     |     | 459.0 |

706 Total

200 acres Decreed

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:  
A29-07342

14. Remarks:  
DIVERSION RATE 1.1 CFS FROM BIRCH CREEK.  
DIVERSION RATE "ALL THE WATER OF SAID LOST CREEK".  
SOURCE LOCATION APPROX. T9S, R36E.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

JAMES HENDERSON, ET. AL.

Decree Plaintiff

THOMAS MARLEY, ET. AL.

vs Decree Defendant

MICROFILMED

APR 12 1994

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): Donald A. Putnam Date: 6-24-93  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 24th day  
of June 19 93

Betty J. Thompson  
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC  
Residing at RESIDING AT IDAHO FALLS, IDAHO  
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

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APR 12 1994

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: A29-00333  
Date Received: 6/14/1990  
Receipt No: E014722  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: OAK HILLS PARTNERSHIP  
Address: C.O. RALPH C. PETERSEN  
37 S. 350 E.  
CLEARFIELD, UT

801-825-2966

84015

2. Date of Priority: JUL 01, 1879

3. Source: LOST CREEK  
BIRCH CREEK

Trib. to: BIRCH CREEK  
MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 09S      | 36E   | 29      | SE     | SW     |        |     | BANNOCK |
|          |       | 32      | SE     | NE     |        |     | BANNOCK |
|          |       |         | NW     | SE     |        |     | BANNOCK |

5. Description of diverting works:  
CONCRETE DAM/ MAINLINE TO WHEEL AND HANDLINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/01 | 11/01 | 2.500  |      |        |

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

A.F.A.

8. Total consumptive use is 1500.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-00333

Page 1

Date: 06/14/90

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NOV 13 1992

A2900333



10. Place of Use:

| Township<br>09S | Range<br>35E | Section<br>13 | 1/4 of<br>SE | 1/4<br>SE | Lot | Use<br>IRR    | Acres<br>40.0 |
|-----------------|--------------|---------------|--------------|-----------|-----|---------------|---------------|
|                 |              |               |              |           |     | Section Acres | 40.0          |
|                 |              | 24            | SE           | NE        |     | IRR           | 40.0          |
|                 |              |               |              |           |     | Section Acres | 40.0          |
|                 | 36E          | 18            | SW           | SW        |     | IRR           | 40.0          |
|                 |              |               |              |           |     | Section Acres | 40.0          |
|                 |              | 29            | SW           | SE        |     | IRR           | 40.0          |
|                 |              |               |              |           |     | Section Acres | 40.0          |
|                 |              | 32            | NE           | NE        |     | IRR           | 40.0          |
|                 |              |               | NW           | NE        |     | IRR           | 40.0          |
|                 |              |               | NE           | SE        |     | IRR           | 40.0          |
|                 |              |               |              |           |     | Section Acres | 120.0         |
|                 |              | 33            | SW           | NE        |     | IRR           | 40.0          |
|                 |              |               | SE           | NE        |     | IRR           | 40.0          |
|                 |              |               | NW           | NW        |     | IRR           | 40.0          |
|                 |              |               | SE           | NW        |     | IRR           | 40.0          |
|                 |              |               | NE           | SW        |     | IRR           | 40.0          |
|                 |              |               | NW           | SW        |     | IRR           | 40.0          |
|                 |              |               | SW           | SW        |     | IRR           | 40.0          |
|                 |              |               | SE           | SW        |     | IRR           | 40.0          |
|                 |              |               |              |           |     | Section Acres | 320.0         |
|                 |              |               |              |           |     | Total Acres   | 600.0         |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:  
NONE

14. Remarks:

DIVERSION RATE 1.1CFS FROM BIRCH CREEK.  
DIVERSION RATE "ALL THE WATER OF SAID LOST CREEK".  
SOURCE LOCATION APPROX. T9S, R36E.  
P/D & P/U INCOMPLETE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JAMES HENDERSON, ET. AL.

Decree Plaintiff

vs

THOMAS MARLEY, 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 \_\_\_\_\_ 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 \_\_\_\_\_

A. ROOT WATER RIGHT NUMBERS: A29-00333

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME               | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|--------------------|------------------|-----------------|-----------------|----------------|------------------|
| 09S | 36E | 28  | SE  | SW  |     | PETERSEN, DONALD R | A29-00333 / 19.0 | - /             | 2.0             |                |                  |
| 09S | 36E | 32  | NE  | NE  |     | PETERSEN, DONALD R | A29-00333 / 38.0 | - /             | 6.0             |                |                  |
|     |     |     | NE  | NE  |     | PETERSEN, DONALD R | A29-07342 / 38.0 | 29-07342 / 40.0 |                 |                |                  |
| 09S | 36E | 32  | NW  | NE  |     | PETERSEN, DONALD R | A29-00333 / 30.0 | - /             |                 |                |                  |
|     |     |     | NW  | NE  |     | PETERSEN, DONALD R | A29-07342 / 30.0 | 29-07342 / 40.0 |                 |                |                  |
| 09S | 36E | 32  | SE  | NE  |     | PETERSEN, DONALD R | A29-00333 / 35.0 | - /             | 37.0            |                |                  |
|     |     |     | SE  | NE  |     | PETERSEN, DONALD R | A29-07342 / 35.0 | 29-07342 / 40.0 |                 |                |                  |
|     |     |     | SE  | NE  |     | DAVIS, MARY        |                  | 29-00347 /      |                 |                |                  |
| 09S | 36E | 32  | NE  | SE  |     | PETERSEN, DONALD R | A29-00333 / 37.0 | - /             | 39.0            |                |                  |
|     |     |     | NE  | SE  |     | PETERSEN, DONALD R | A29-07342 / 37.0 | - /             |                 |                |                  |
|     |     |     | NE  | SE  |     | HENDERSON, MELVIN  |                  | 29-00345 /      |                 |                |                  |
| 09S | 36E | 33  | NE  | NW  |     | PETERSEN, DONALD R | A29-00333 / 38.0 | - /             | 40.0            |                |                  |
|     |     |     | NE  | NW  |     | PETERSEN, DONALD R | A29-07342 / 38.0 | 29-07342 / 40.0 |                 |                |                  |
| 09S | 36E | 33  | NW  | NW  |     | PETERSEN, DONALD R | A29-00333 / 40.0 | - /             | 1.0             |                |                  |
|     |     |     | NW  | NW  |     | PETERSEN, DONALD R | A29-07342 / 40.0 | 29-07342 / 40.0 |                 |                |                  |
| 09S | 36E | 33  | SW  | NW  |     | PETERSEN, DONALD R | A29-00333 / 39.0 | - /             | 23.0            |                |                  |
|     |     |     | SW  | NW  |     | PETERSEN, DONALD R | A29-07342 / 39.0 | - /             |                 |                |                  |
| 09S | 36E | 33  | SE  | NW  |     | PETERSEN, DONALD R | A29-00333 / 29.0 | - /             | 36.0            |                |                  |
|     |     |     | SE  | NW  |     | PETERSEN, DONALD R | A29-07342 / 29.0 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | MARLEY, J WENDELL  | A29-12266 /      | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | MARLEY, J WENDELL  | 29-12266 /       | - /             |                 |                |                  |
| 09S | 36E | 33  | NE  | SW  |     | PETERSEN, DONALD R | A29-00333 / 39.0 | - /             | 42.0            |                |                  |
|     |     |     | NE  | SW  |     | PETERSEN, DONALD R | A29-07342 / 39.0 | - /             |                 |                |                  |
| 09S | 36E | 33  | NW  | SW  |     | PETERSEN, DONALD R | A29-00333 / 37.0 | - /             | 38.0            |                |                  |
|     |     |     | NW  | SW  |     | PETERSEN, DONALD R | A29-07342 / 37.0 | - /             |                 |                |                  |
| 09S | 36E | 33  | SW  | SW  |     | PETERSEN, DONALD R | A29-00333 / 39.0 | - /             | 40.0            |                |                  |
|     |     |     | SW  | SW  |     | PETERSEN, DONALD R | A29-07342 / 39.0 | - /             |                 |                |                  |
| 09S | 36E | 33  | SE  | SW  |     | PETERSEN, DONALD R | A29-00333 / 39.0 | - /             | 40.0            |                |                  |
|     |     |     | SE  | SW  |     | PETERSEN, DONALD R | A29-07342 / 39.0 | - /             |                 |                |                  |

ADDITIONAL POU FOUND

TOTAL ACRES

A29-00333

459.00

344.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y( ) N( )

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE                               | NAME               | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|--------------------------------------|--------------------|-----------|----------------|-----------|----------------|
| A29-00333 | LOST CREEK<br>BIRCH CREEK<br>SPRINGS | PETERSEN, DONALD R | 2.500     | 0.005          |           |                |
| A29-07342 | GROUNDWATER                          | PETERSEN, DONALD R | 8.800     | 0.020          |           |                |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME              | MONTH/DAY           | RATE      | VOLUME |
|-----------|----------|-------------------|---------------------|-----------|--------|
| A29-12266 | DOMESTIC | MARLEY, J WENDELL | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-12266  | DOMESTIC | MARLEY, J WENDELL | FROM 01-01 TO 12-31 | 0.040 CFS |        |

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y( ) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-07342

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A( ) Y( ) N( )

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y( ) N( )

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y( ) N( )

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A29-00333

Date Received

Receipt Number E014722/90

RECEIVED

MAY 24 1990

Department of Water Resources  
Eastern District OfficeNOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

APR 19 1990

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) OAK HILLS PARTNERSHIP Phone (801) 825-2966  
C.O. RALPH C. PETERSEN  
Mailing Address 375350 E. CLEARFIELD, UTAH Zip 840152. Date of Priority (Only one (1) per claim) 1 JULY 18793. Source of water supply (a) LOST CREEK AND BIRCH CREEK - SPRINGS  
which is tributary to (b) MARSH CREEK4. a. Location of existing point of diversion is: Township 95 Range 36E Section 29,  
SE 1/4 of SW 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of BANNOCKAdditional points of diversion if any: SPRINGS SE 1/4 NE 1/4 SEC 32 9 SOUTH 36E  
NW 1/4 SE 1/4 SEC 32 9 SOUTH 36E

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

Township 95 Range 36E Section 28, SE 1/4 of SW 1/4 of \_\_\_\_\_ 1/4,Govt. Lot \_\_\_\_\_ B.M., County of BANNOCK

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.CONCRETE DAM - UNDER GROUND STEEL MAINLINE (PIPE)  
PLASTIC MAINLINE - WHEEL LINES AND HANDLINES  
12" - 10" - 8" - 6" STEEL TO PLASTIC

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NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MARCH 1 to NOV 1 amount 2.5 or more or less  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or streams vary  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or Lost creek only runs  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or as snow  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or run off  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or collects.

7. Total quantity claimed (a) 2.5 cfs more or less (cfs) and/or (b) ALL WATERS (cfs) and/or (b) 1500 (acre feet)  
STREAMS - SPRING VARY

8. Total consumptive use claimed is 1500 acre feet per annum.  
2.5 X 600

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

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 |        |
| 9   | 35E | 13  |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       | 40    | 40     |
| 9   | 35E | 24  |        |       |       | 40    |        |       |       |       |        |       |       |       |        |       |       |       | 40     |
| 9   | 36E | 18  |        |       |       |       |        |       |       |       |        |       | 40    |       |        |       |       |       | 40     |
|     |     | 29  |        |       |       |       |        |       |       |       |        |       |       |       |        |       | 40    |       | 40     |
|     |     | 32  | 40     | 40    |       |       |        |       |       |       |        |       |       |       | 40     |       |       |       | 120    |
|     |     | 33  |        |       | 40    | 40    |        | 40    |       | 40    | 40     | 40    | 40    | 40    |        |       |       |       | 320    |

Total number of acres irrigated

600

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

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.

100% LOST CREEK - 100% BIRCH CREEK EXCEPT AS or None ( )  
DESIGNATED TO NOLAN ARMSTRONG ON WATER SCHEDULE

14. Remarks:

1879 PRIORITY  
Springs are used to water above acres - Spring  
water and creek water is collected into same mainline  
100% SPRING IN SE 1/4 NE 1/4 SEC 32 9S 36E  
100% SPRINGS IN NW 1/4 SE 1/4 SEC 32 9S 36E  
1877 PRIORITY

**MICROFILMED**

**NOV 13 1992**

Last Name

PETERSON  
FOR OAK HILLS

Ident No.

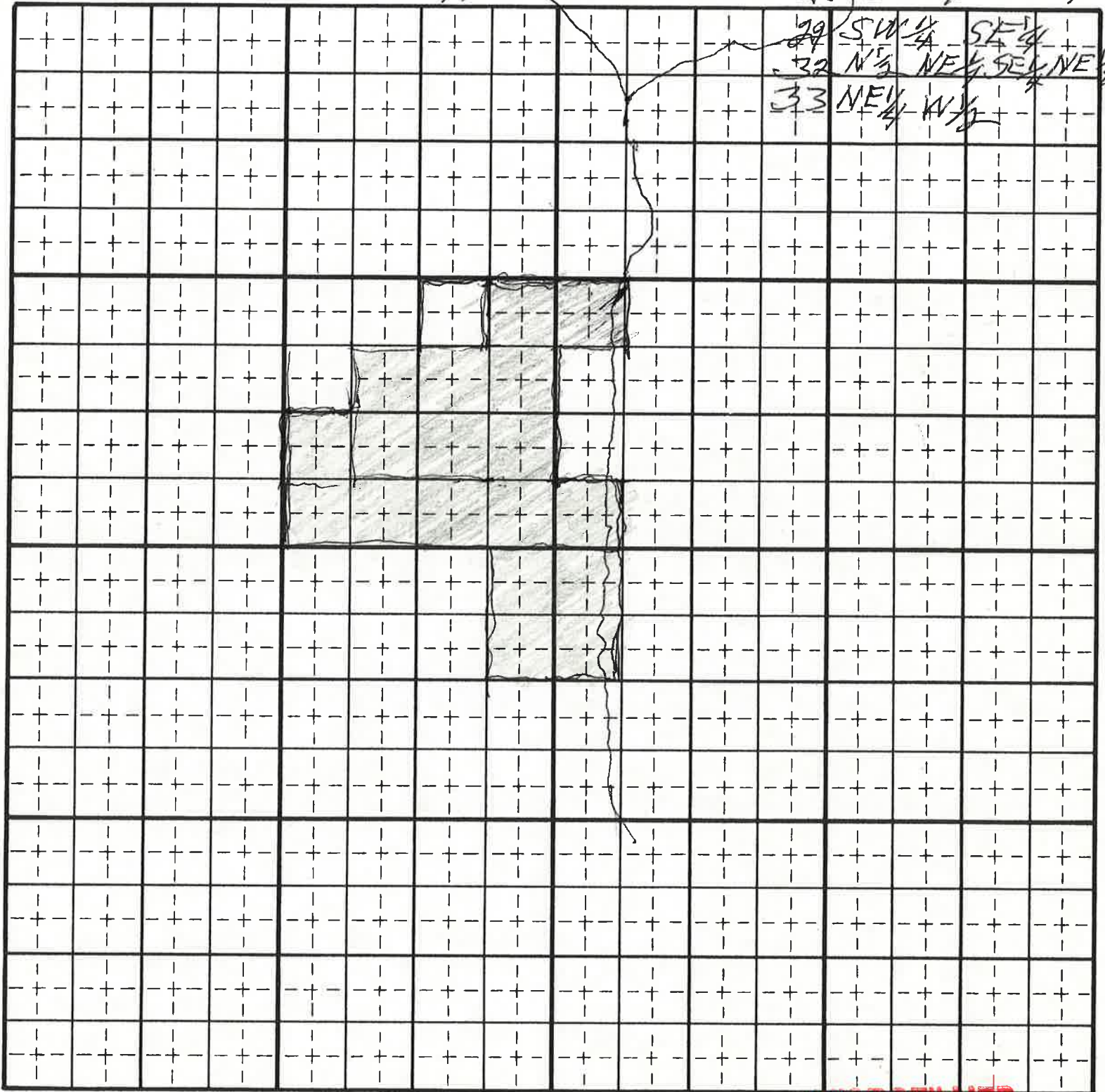
DECREE  
BOOK OF JUDGMENTS  
BOOK #2 PAGE 118 MARCH 13, 1908

Copies: White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

95S 36E SEC 28 SE $\frac{1}{4}$  SW $\frac{1}{4}$



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NOV 13 1992

Last Name PETERSEN  
FOR OAK HILLS

Ident No. DECREE

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

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)

*by YKO* Ralph C. Petersen Date 12 April 1990

Ralph C. Petersen Date 23 May 1990

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of Oak Hills Title \_\_\_\_\_, that I have signed the foregoing

document in the space below as Representative of OAK Hills Partnership  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

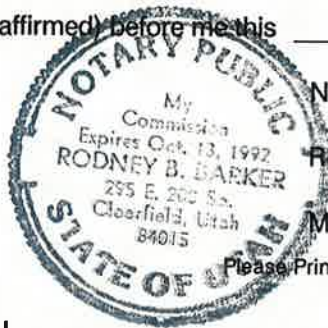
Ralph C. Petersen *Ralph C. Petersen*  
Oak Hills Partnership Date 12 April 1990  
23 May 1990

State of UTAH ~~Idaho~~/or \_\_\_\_\_ )

County of DAVIS ) SS.

Subscribed and sworn (or affirmed) before me this 23 day of May 1990

SEAL



Notary Public

Residing at

My Commission Expires \_\_\_\_\_

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 \_\_\_\_\_

**MICROFILMED**

**NOV 13 1992**

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

