

01/08/2003

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

RIGHT NUMBER: 29-2098
NAME AND ADDRESS: JACK PETERSON
922 WAYNE
POCATELLO ID 83201
EDNA PETERSON
922 WAYNE
POCATELLO ID 83201

SOURCE: SPRING TRIBUTARY:
QUANTITY: 0.060 CFS
PRIORITY DATE: 05/18/1910
POINT OF DIVERSION:

T09S R38E S10 NWSWSE 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	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S10 SWSE 5.9 T09S R38E S10 SESE 0.6

DOMESTIC Within BANNOCK County

T09S R38E S10 SWSE

6.5 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.50 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.

0.14 CFS OF LICENSE 29-2098 WAS FORFEITED/ABANDONED DUE TO
NON-USE FROM 1910 TO 1947.

EXPLANATORY MATERIAL: License

SOURCE IS ALSO KNOWN AS BLASER SPRING AND HADLEY SPRING.

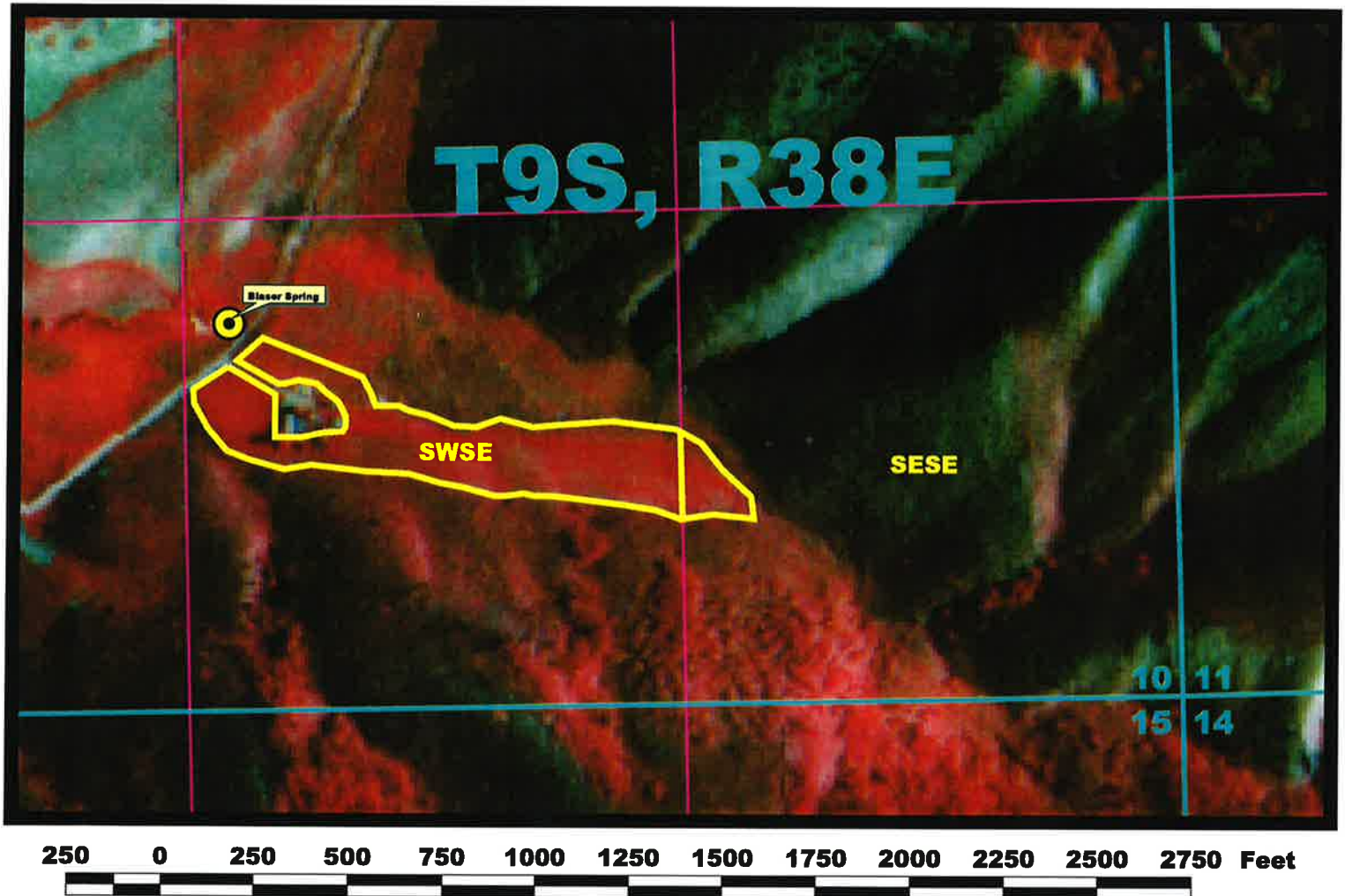
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Right(s): 29-02098
29-02258
29-13228**



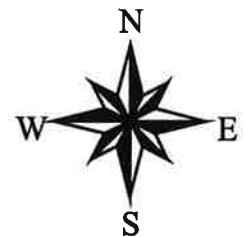
LEGEND

-  **Place of Use**
-  **Section**
-  **Quarter-Quarter**
-  **Point of Diversion**

**Place of Use: T9S, R38E
(parts of) Sec. 10 S2SE**

**Point(s) of Diversion: T9S, R38E
Sec. 10 NWSWSE**

PROFILED



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DEC 28 2005

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: February 2002

10

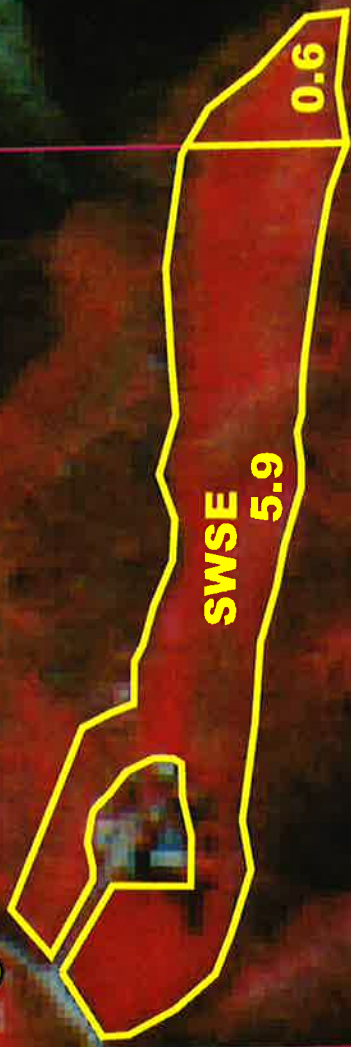
SWSE

SPRING
O' POD



T9S, R38E

Blaser Spring



SWSE

5.9

0.6

SESE

10 11

15 14

JACK PETERSON
T9S, R38E, SEC 10
(parts of) S2SE

POD/SOURCE
unnamed spring
AKA: Blaser Spring

29-02098
0.5 acre

29-02258
1.5 acres

29-13228
5.0 acres

10 11
15 14

02/13/2003

NOTICE OF ERROR
REPLY

Allen

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-2098

JACK PETERSON
922 WAYNE
POCATELLO ID 83201
Telephone Number: (208)233-4057

EDNA PETERSON
922 WAYNE
POCATELLO ID 83201
Telephone Number: (208)233-4057

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

The Water right has not ever been abandoned

3. Give a brief explanation as to why you disagree with these portions:

**WATER RIGHT HAS NOT EVER BEEN
ABANDONED**

JP I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1-22-02

SIGNATURE: *Jack H. Peterson*

Please print your name: JACK H. PETERSON

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

FEB 28 2003

Department of Water Resources
Eastern Region

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A29-02098

LICENSED

I. CLAIMED AS Domestic w/ Irrigation. HOWEVER, ORIGINAL LICENSE DOES NOT ADDRESS ANY OTHER USES OTHER THAN "... FOR THE PURPOSE OF DOMESTIC USE, SUBJECT, ..."

Q:

Δ USE:

IRRIG? 1989?
ENLARG? NO!

II. CLAIMS TOTAL QAS: 0.20 cfs. ORIGINAL LICENSE WAS FOR "... TO BENEFICIAL USE OF 1/5 TH OR ONE CUBIC FOOT PER SECOND ...". (39.76 gpm OR 0.20 cfs, AS CLAIMED.)

Q:

QAS/USE

III. CLAIMS PRIORITY DATE OF MAY 18, 1910. ORIGINAL LICENSE CONFIRMS.

Problem:

6/26/01

MR. PETERSON WAS ADVISED IN 1989 (FILING DATE) TO BEGIN IRRIG W/ RT OR LOOSE IT, WHICH HE DID. HOWEVER, HE WAS ILL-ADVISED, THAT RT (LIC.) WAS NOT FOR IRRIG ONLY DOMESTIC. THIS BRINGS UP THE

Q: ⇒

QUESTION --- WHY WAS THIS LICENSE FOR DOMESTIC USE (ONLY) @ 0.20 cfs? REVIEW LICENSE EXAM. ATTACHED

SOURCE NAME BY USGS MINAMOO RE: BB43 ?

USED W/ 29-02258 ON 1/2 AC. THIS RT. UNDER DOMESTIC CAN DO 1/2 AC: TOTAL AC = 1.5 COMBINED USE OF THESE LIC'S.

6/29/01

LICENSE EXAM DISCUSSES IRRIGATION OF 1/2 AC GARDEN ONLY. SEE ATTACHED AND MICROFICHE

2/14/02

CLAIM 29-13228 WAS FILED TO COVER ADDITIONAL ACRES NOT LICENSED BY 29-02098. RECOMMEND PPL WITH ALL OTHER RTS: 29-13228 AND 29-SCARRED, W/ LIMITS OF Q AND CFS.

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DEC 28 2005

RE 6/26/01

ABR

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO, IN THE MATTER OF
THE ESTATE OF SAMUEL E. JOHN, DECEASED

DECREE OF DISTRIBUTION.

Dated: August 15, 1922.

Filed: Aug. 16, 1922 at 11:30 AM.

Recorded: Book 45 Deeds 268.

Filing #94313.

Now comes Warren Allen, Administrator De Bonis Non of Estate of Samuel E. John, deceased, by his attorney and in person, and proves to the satisfaction of Court that his final account and petition for distribution herein was rendered and filed on July 31, 1922.

That on same day Court by its order regularly made and appointed, Tuesday, August 15, 1922, for settlement and hearing thereof.

That due and legal notice of time and place of said settlement and hearing has been given as required by law, and said account and petition being now presented to Court and no person appearing to or contest said account or petition Court, after hearing evidence and being satisfied that all taxes upon property of said estate have been fully paid.

It is hereby ordered that said account be and same is hereby approved, settled and allowed. It further appears to satisfaction of Court that said Administrator has expended large sums of money in personal expenses, costs and witness fees in litigation in said estate and that as said executor or administrator he would be entitled to recover sum of \$499 as commissions allowed by law, but that said administrator has waived all of said amounts in his petition.

That he now has in possession for distribution 4 head of horses and real estate hereinafter described. That said deceased left surviving him at time of his death as his sole heirs at law following named persons.

Lucy John Allen, formerly widow of deceased, and Carl Emmeris John Owen William John, Lucille Elizabeth John and Samuel E. John, all children of deceased, Samuel E. John and Lucy John Allen.

It is therefore further ordered that four head of horses named in petition, being community property of deceased and Lucy John Allen be distributed to said Lucy John Allen as her sole and separate property.

PROFILED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

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Abst.#12765.

That following described real property be distributed to said Lucy John Allen as her sole and separate property being community property of deceased and Lucy John Allen.

SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 10, Township 9 South, Range 38 East of Boise Meridian, in Bannock County, Idaho, and containing 160 acres.

Together with all water, water rights, ditches, water stock, reservoirs and other appurtenances in anywise used in connection with said lands.

It is further hereby ordered that there be distributed to Lucy John Allen undivided one third interest and to Carl Emmeris John, Owen William John, Lucille Elizabeth John and Samuel E. John, each undivided one sixth interest in following described land,

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 10, Township 9 South, Range 38 East of Boise Meridian in Bannock County, Idaho, and containing 80 acres.

Together with all water, water rights, ditches, water stock, reservoirs, and other appurtenances in anywise used in connection with said land.

Wm.A.Hyde, Probate Judge. (Seal).

Bannock County, Idaho.

CERTIFICATE, August 16, 1922.

That foregoing is full, true and correct copy of original Order Settling Final Account and Decree of Distribution in Matter of Estate of Samuel E. John, Deceased, now on file and matter of record in my office.

Wm.A.Hyde, Probate Judge in and for
Bannock County, Idaho. (Seal)

Water Right Number - 29-02098

Prefix Translation: WATER RIGHT

Old (D) Number - 6131

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

*** C - CURRENT OWNER ***
JOHN

EMERIS

1 -
2 -
3 -
City- DEMPSEY
Phone -

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/18/1910 *au* 15 EASTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.09S 38E 10 SW SE *Gen* (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume43 - DOMESTIC *X*0.200 *⇒ Pretty High for 1 Home*+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

09S 38E 10 SW SE 43 DOMESTIC (5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN P/D & P/U INCOMPLETE. SEE FILE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

** ① Claims Domestic and Irrig. = Irrig. Use Disallowed - NOT Licensed as US is*SCANNED
DEC 28 2005

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

E. C. PHOENIX
GENERAL ATTORNEY

D. A. BYBEE

F. L. RINGE
ASST. GENERAL ATTORNEYS

P. O. Box 530
POCATELLO, IDAHO 83201

May 14, 1968

37-3

Water - Blaser Spring.....

State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

This refers to the application of Mrs. Tekla (Steve) James, Box 25, Lava Hot Springs, Idaho for water from a spring commonly known as Blaser Spring. All of the water from Blaser Spring was appropriated by the Union Pacific Railroad Company and its predecessors in interest the Oregon Short Line Railroad Company and the Utah and Northern Railway Company commencing in 1880, and the spring itself and a right of way leading from the spring to the railroad right of way was granted by Act of Congress dated July 3, 1882. The waters from said spring have been used by these railroad companies ever since and have not been abandoned nor is there any intent to abandon the waters.

Any use of any water from the spring, either the overflow thereof or from connections with the pipe line installed by the railroad companies, has been permissive and such permissive use includes any interest claimed by Mr. and Mrs. White or the Hogans prior to them, to Mrs. James and to any other person or company other than the railroad companies mentioned above.

Respectfully yours,

E. C. Phoenix

ECP:H

cc - Mrs. Tekla James
Portneuf Irrigating Co.
Mr. G. H. Baker
Mr. Bryan P. Leverich

cc - Mr. & Mrs. J. A. White
McCammon Ditch Co.
Mr. R. E. Haacke

SCANNED

DEC 28 2005

IN THE MIDDLE 1940 GENE HOOPER USEL SUB WATER
TO IRRIGATE ABOUT 20 ACRES MORE OR LESS BELOW
THE DIVERSION OF THE UNION PACIFIC SPRING IN THE
HADLEY CANYON AT LAVA HOT SPRINGS IDAHO.

ALSO THERE APP 30 ACRES MORE OR LESS THAT IS SUB
IRRAGATED FROM A SPRING ON THE ELLIS
CHRISTIENSEN FARM WHICH LAYS NORTH OF THE
GENE HOOPER HOME.

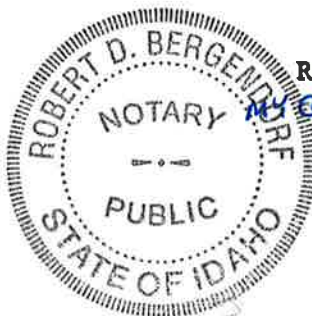
Witness
Sheryl
9/8/00

Jack H. Peterson
William J. Day
Dean Day
Golden Avery

STATE of Idaho
County of BANNOCK

} ss.

On this 13th day of SEPTEMBER, in the year
of 2000, before me (Robert D. Bergendorf, Notary
Public), personally appeared JACK H. PETERSON, DEAN DAY
AND GOLDEN AVERY known to me (or proved to me
on the oath of _____), to be the per
whose names is subscribed to the within instrument, AND
acknowledged to me that ~~he~~ (or they) executed the SAME.



Residing at LAVA HOT SPRINGS,
MY COMMISSION EXPIRES FEB 28, 2005

SCANNED

DEC 28 2005

Bannock County *
Unnamed Spring *
1/5 of 1 cu. ft. per sec. *
Irrigation and domestic *
Priority 5-18-1910 *

29-2098

S T A T E O F I D A H O

Water License No. 6131

WHEREAS, On the 18th day of May, A. D. 1910, EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, duly made application (No. 8873) to me for a permit to use 1/5th of one cubic foot per second of the waters of an unnamed spring, County of Bannock, State of Idaho, for domestic purposes, and

WHEREAS, On the 21st day of May, A. D. 1910, Permit No. 6131 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of November, A. D. 1910, and for the application to beneficial use of said water on or before the 21st day of November, A. D. 1910, and,

WHEREAS, On the 21st day of November, A. D. 1910, EMERIS JOHN, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1/5th of one cubic foot per second of said waters, as evidenced by my Certificate No. 6131, dated October 20th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1/5th of one cubic foot per second of water, with date of priority of May 18th, 1910, and,

WHEREAS, On the 21st day of November, A. D. 1910, EMERIS JOHN, the holder of said permit duly made proof of the application to beneficial use of 1/5th of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 6131, a perpetual right, dating from May 18th, 1910, to the use of 1/5th of one cubic foot per second of the waters of an unnamed spring, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at spring, 500 feet Northeast from the Southwest Corner of the Southeast quarter (SE $\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and conducted to house about 200 feet from spring, for the purpose of domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 20th day of October, A. D. Nineteen hundred and eleven.

SCANNED

DEC 28 2005

foot per second of said water

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 6131, a perpetual right, dating from May 18th, 1910, to the use of 1/5th of one cubic foot per second of the waters of an unnamed spring, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at spring, 500 feet Northeast from the Southwest Corner of the Southeast quarter (SE $\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and conducted to house about 200 feet from spring, for the purpose of domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 20th day of October, A. D. Nineteen hundred and eleven.

A. E. Robinson,

(SEAL)

State Engineer

29 2098

SCANNED
DEC 28 2005

Report of Engineer

1. State name of applicant and number of permit: Emaris John - Permit 6131
2. State source of water supply: Unnamed Spring
3. Location of point of diversion: 500' NE of SW cor. of SE4 Section 10, Tp. 9 S., R. 38 E., B. 1.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: Pipe line commencing with
 - (b) Width at water line: 2" pipe and raising to 3 1/2"
 - (c) Depth of water: at outlet
 - (d) Grade per mile: _____
6. State whether or not water has been turned into works of diversion and if so, to what extent: used during 1910
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW 4 SE 4 Sec 10 Twp 9 S. R. 38 E. B. 1.
and under cultivation in above described
tract is One Half (1/2) acre
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.
- Remarks: The permit being lost can not say
whether the works conform to permit
or not

Chas. H. DeLancey

STATE OF IDAHO,

County of _____

ss.

6131

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1911.

My Commission Expires _____

RECEIVED

JUN 5 - 1911

OFFICE OF STATE ENGINEER

Notary Public.

Sec. 19494 - Laker Lake June 9/94

Top 98.18 38 & B.M.

10

Prop line
burned S.D.G.

6181

RECEIVED
JUN 5 - 1911
OFFICE OF STATE ENGINEER

SCANNED

DEC 28 2005

APPLICATION FOR PERMIT
To appropriate the Public Waters of the State of Idaho

1. Name of applicant: Emeris John

Postoffice address: Dempsey

County: Bannock State: Idaho

2. The quantity of water claimed is one-fifth cubic foot per second.

3. Source of water supply: Unnamed spring

County of Bannock, State of Idaho

4. Location of point of diversion: At spring 500 feet NE from SW corner of SE4, Sec. 10, T. 9 S.R. 38 E.B.M., same being 70 feet North from the section line dividing Sections 10 and 15, said Twp. & Range.

5. To be used for:

I. Irrigation and domestic use:

Water used for domestic purposes only.

My house is about 200 feet from the spring.

6. Estimated cost of works: Fifty Dollars.

7. Description of works for diversion:

I. Kind of works: Pipe and an open flume

II. Dimensions of works:

(d) Conduit pipe, Diameter of pipe 1 inch. Average grade per mile is 75 feet. Length of conduit is 200 feet, and it crosses the following quarter sections: SW4 SE4 Sec. 10, T. 9 S.R. 38 E.B.M., to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is . . years.

9. Time required for the complete application of the water to the proposed use is .. additional years.

BE IT KNOWN, That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Emeris John

Applicant

SCANNED
DEC 28 2005

Notice of Proof of Completion of Works and of Application of Water to Beneficial Use, received September 26, 1910, fixing November 21, 1910, as date, and Dempsey, Idaho, as place of proof.

Deposition blanks mailed October 11, 1910.

J. O. Webster, Water Commissioner, notified October 17th, 1910, to make examination of works.

Publication Notice mailed October 14, 1911.

Affidavit of Publication and Depositions received Nov. 30th, 1910.

Report of Engineer received June 5, 1911.

Fees received October 3, 1911.

Certificate and License issued October 20, 1911.

Permit No. 6131

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that EMERIS JOHN, of Dempsey, County of Bannock, and State of Idaho, the holder of Permit No. 6131, issued upon Application No. 8873, bearing date of priority of May 18th, 1910, authorizing the diversion of $1/5$ th of one second foot of the waters of an unnamed spring, County of Bannock, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use $1/5$ th of one second-foot of the waters of an unnamed spring, that the point of diversion of said waters is at spring, 500 feet Northeast from the Southwest corner of the Southeast quarter ($SE\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and the place where said water is to be used is at house about 200 feet from spring.

Witness my hand this 20th day of October, A. D. 1911.

A. E. Robinson,

State Engineer of the

State of Idaho

License issued for 2 1/10 second feet
Page 211

SCANNED
DEC 28 2005

APPROVAL OF STATE ENGINEER

The number of this permit is 6131.

Date of first receipt of application: 9.00 A.M. May ¹⁷~~18~~, 1910.

Returned to applicant for correction: May 18, 1910

Corrected application received: May 21, 1910

Recorded in Book 18. Page 6131. Approved May 21, 1910.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before July 20, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 21, 1910.

The whole of said work to be completed on or before November 21, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to November 21, 1910.

Witness my hand this twenty-first day of May, 1910.

D.G. Martin,
State Engineer

SCANNED
DEC 28 2005

Notice of Proof of Completion of Works and of Application of Water to Beneficial Use, received September 26, 1910, fixing November 21, 1910, as date, and Dempsey, Idaho, as place of proof.

Deposition blanks mailed October 11, 1910.

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Certificate and License issued October 20, 1911.

Permit No. 6131

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that EMERIS JOHN, of Dempsey, County of Bannock, and State of Idaho, the holder of Permit No. 6131, issued upon Application No. 8873, bearing date of priority of May 18th, 1910, authorizing the diversion of 1/5th of one second foot of the waters of an unnamed spring, County of Bannock, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1/5th of one second-foot of the waters of an unnamed spring, that the point of diversion of said waters is at spring, 500 feet Northeast from the Southwest corner of the Southeast quarter (SE $\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and the place where said water is to be used is at houseabout 200 feet from spring.

Witness my hand this 20th day of October, A. D. 1911.

A. E. Robinson,

State Engineer of the

State of Idaho

License issued for ²¹110 second feet
Page 2

SCANNED
DEC 28 2005

Bannock County
Unnamed Spring
1/5 of one cu. ft. per sec.
Irrigation and domestic
Priority 5-18-1910

STATE OF IDAHO

Water License No. 6131

WHEREAS, On the 18th day of May, A. D. 1910, EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, duly made application (No. 8873) to me for a permit to use 1/5th of one cubic foot per second of the waters of an unnamed spring, County of Bannock, State of Idaho, for domestic purposes, and

WHEREAS, On the 21st day of May, A. D. 1910, Permit No. 6131 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of November, A. D. 1910, and for the application to beneficial use of said water on or before the 21st day of November, A. D. 1910, and

WHEREAS, On the 21st day of November, A. D. 1910, EMERIS JOHN, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1/5th of one cubic foot per second of said waters, as evidenced by my certificate No. 6131, dated October 20th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1/5th of one cubic foot per second of water, with date of priority of May 18th, 1910, and

WHEREAS, On the 21st day of November, A. D. 1910, EMERIS JOHN, the holder of said permit duly made proof of the application to beneficial use of 1/5th of one cubic foot per second of said water.

NOW, THEREFORE, by virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 6131, a perpetual right, dating from May 18th, 1910, to the use of 1/5th of one cubic foot per second of the waters of an unnamed spring, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at spring, 500 feet Northeast from the Southwest Corner of the Southeast quarter (SE1), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and conducted to house about 200 feet from spring, for the purpose of domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 20th day of October, A. D. Nineteen hundred and eleven.

A. E. Robinson,

State Engineer

(SEAL)

SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.
Printed and for sale by the Stationery Shop, Johns Table.

Top 9 S. 12 38 E. 12 38 W.

10

Top Pipeline
Dunk named S. 12 38

RECEIVED

JUN 3 - 1911

OFFICE OF STATE ENGINEER

6131

Report of Engineer

State name of applicant and number of permit: Charles John - Permit 6131
State source of water supply: Sanmarco Spring
Location of point of diversion: 500' N. of NW cor. of S34 Section 10, T. 9, S., E. 30

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit.

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: Pipe line commencing at
- (b) Width at water line: 2" pipe and running to 3"
- (c) Depth of water: at outlet
- (d) Grade per mile:

6. State whether or not water has been turned into works of diversion and if so, to what extent.

not during 1910

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW 4 SE 4 Sec 10 T. 9, S., E. 30

with which cultivation is about 2 acres

in the SW 1/4 Sec 10

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The land is being used for pasture
and the water is being used for domestic purposes
on the land

STATE OF IDAHO.

County of

ss.

6131

, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this

RECEIVED

JUN 5 - 1911

OFFICE OF STATE ENGINEER

191

My Commission Expires

Notary Public

SCANNED

JUN 06 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: A29-02098
Date Received: 7/18/1989
Receipt No: E009505
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK PETERSON 208-233-4057
Address: 922 WAYNE
POCATELLO, ID 83201
AND/OR
Name: EDNA PETERSON 208-233-4057
Address: 922 WAYNE
POCATELLO, ID 83201

A2902098

2. Date of Priority: MAY 18, 1910

3. Source: SPRING Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	10	SW	SE			BANNOCK

5. Description of diverting works:
2 PUMPS TO HOUSEHOLD SYSTEM AND IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	11/01	0.160		

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 1 HOME

A29-02098

Page 1

Date: 07/18/89

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	10	SW	SE		DOMEST	
			SW	SE		IRR	6.0
						Section Acres	6.0
						Total Acres	6.0

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:
A29-02258

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 6131

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: 0

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): Jack H. Peterson Date: 7-18-89
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of July 19 89 Charles Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/91