

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-10768

2002 AUG -9 PM 2:36

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BILLY PETERSON
MERLENE PETERSON
1607 SHOUP ST
SALMON, ID 83467-4408

RECEIVED

AUG 13 2002

SOURCE: GROUNDWATER

Department of Water Resources

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/31/1971

POINT OF DIVERSION: T21N R22E S05 SESW Within Lemhi County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Lemhi County
T21N R22E S05 SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Birdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that on 6-21-99 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

MERLENE PETERSON
BILLY PETERSON
1607 SHOUP ST
SALMON ID 83467-4408
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Sandy Egbert
Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-25-1999
PAGE: A-13

RIGHT NUMBER: 75-10768

NAME & ADDRESS: MERLENE PETERSON
BILLY PETERSON
1607 SHOUP ST
SALMON ID 83467-4408

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/31/1971

POINT OF DIVERSION: T21N R22E S05 SESW Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T21N R22E S05 SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PROPERTY ALSO KNOWN AS DEMECK ADDITION: LOT 1, W1/2 LOT 2, BLK 2
PARCEL NO. A0008002001

AJ0749NP
No. 75-10768

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/21/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILLY PETERSON	05/31/1971	DOMESTIC	01-01 12-31	0.040 CFS	
C	MERLENE PETERSON 1607 SHOUP ST SALMON ID 834674408 (208) 756-3534					
TOTAL DIVERSION:					0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T21N R22E S05 SESW

LEMHI County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
21N	22E	5	:																	:

POU County: LEMHI

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PROPERTY ALSO KNOWN AS DEMECK ADDITION: LOT 1, W1/2 LOT 2, BLK 2
PARCEL NO. A0008002001

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/21/1998 User-ID: DSMITH Subject: COPIED FROM REMARKS
PRIORITY DATE IS CONFIRMED BY MR. PETERSON AS 05-31-1971. WELL
WAS DRILLED BY DICK CAMPBELL.
DEMECK ADDITION: ALL LOT 1. W1/2 LOT 2, BLK 2.

Date: 05/21/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE

AJ0749NP
No. 75-10768

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/21/99
PAGE: 2

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Comments: Date: 05/21/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 05/21/99 SSHERMAN

MAY 17 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

May 6, 1999

KARL J. DREHER
DIRECTORBILLY AND MERLENE PETERSON
1607 SHOUP ST
SALMON ID 83467-4408

Re: Snake River Basin Adjudication (SRBA)

Water Right #75-10768Change of Address*Record changed NCAP prepared
5-21-99*

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

*Sally*Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Billy B Peterson

Claimant Signature

(208) 756-3534
Telephone No.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILLY PETERSON	05/31/1971	DOMESTIC	01-01 12-31	0.04 CFS	
C	MERLENE PETERSON					
	PO BOX 806					
	SALMON ID 83467					
	(208) 756-3534					
				TOTAL DIVERSION:	0.04 CFS	

Stage: BENEFICIAL USE

LEMHI County

[illegible]

Other Rights: NONE

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Dates: Exam Made Date: Verified Date: 09/21/1998 Objection Filed Date:

Comments: Date: 09/21/1998 User-ID: DSMITH Subject: COPIED FROM REMARKS
PRIORITY DATE IS CONFIRMED BY MR. PETERSON AS 05-31-1971. WELL
WAS DRILLED BY DICK CAMPBELL.
DEMECK ADDITION: ALL LOT 1. W1/2 LOT 2, BLK 2.

Audit: 09/21/98 DSMITH

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-12-1998

PAGE: A-114

RIGHT NUMBER: 75-10768

NAME & ADDRESS: BILLY PETERSON
MERLENE PETERSON
P O BOX 806
SALMON ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/31/1971

POINT OF DIVERSION: T21N R22E S05 SESW Within LEMHI County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC DOMESTIC, 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T21N R22E S05 SESW

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

PRIORITY DATE IS CONFIRMED BY MR. PETERSON AS 05-31-1971. WELL
WAS DRILLED BY DICK CAMPBELL.

AKA → DEMECK ADDITION: ALL LOT 1. W1/2 LOT 2, BLK 2.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

A0008002001

Verified by

Date:

Verification Source:

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

6/10/99

A handwritten signature in black ink, appearing to be "R. L. Huff", is written over a horizontal line.

Signature of IDWR Representative

SCANNED

SEP 26 2001

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

Identification No. A75-10768Date Received 5/10/90Receipt Number E014526

RECEIVED

MAY 14 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHTACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

RECEIVED

MAY 10 1990

Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Billy & Marlene Peterson Phone (208) 256 3534
Mailing Address PO Box 806 - Salmon Id Zip 83467

2. Date of Priority (Only one per claim) _____ Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source4. Location of point of diversion is: Township 21 No. 22 E. Range _____
Section #5, So. East 1/4 of So West 1/4 of _____ 1/4, Govt. Lot _____, B
County of Lewie

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the date changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well, 4" casing, 18 ft deep, 1 h.p. jet pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from _____ Month/Day _____ to _____ Month/Day _____ amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1

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APR 19 1994

A7510768



10. Place of use is: Township: 21 NO. 22 E Range -
Section #5, SO. EAST 1/4 of SO. West 1/4, Govt. Lot -, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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.
() None or _____

14. Remarks: Remech Addition all lot 1 & 1/2 Lot 2
Block 2

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) Betty S. Peterson Date 5/8/90
Marlene M. Peterson Date 5-8-90

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
document in the space below as _____ of _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Lemhi) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 8th day of May 19 90

SEAL

Notary Public Linda K. Colver

Residing at Salmon Idaho

My Commission Expires 10-6-93

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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APR 19 1994

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME PETERSONCLAIM IDENT. NO. A75-10768

DATE RECEIVED	CK #	AMOUNT \$	YES	NO	Required Info?
1. Is the name and address complete with zip code?			☐	☐	*
2. Is a priority date entered?			☐	☐	*
Is the priority date acceptable in view of mandatory filing dates?					
See Adjudication Memos #1 and #4 to determine if a Permit is required.					
3. (a) Is a source entered?			☐	☐	*
(b) Is a tributary to entered? (if required)		N/A	☐	☐	
4. Is the legal description of the p.d. sufficient?			☐	☐	*
5. Is there a description of the diverting works?			☐	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.			☐	☐	*
Is the period of use included?			☐	☐	
Is a quantity claimed for each use?			☐	☐	*
7. Is a total quantity claimed entered?			☐	☐	
8. If required is a consumptive use entered?		N/A	☐	☐	
Is the consumptive use correct?		N/A	☐	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.		N/A	☐	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?			☐	☐	*
11. Is (are) the county(ies) entered?			☐	☐	
12. Is the ownership of p.u. checked?			☐	☐	
13. Are other water rights listed or "none" indicated?			☐	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)		N/A	☐	☐	
15. Is the basis of the claim indicated?			☐	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)		N/A	☐	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.			☐	☐	*
18. Has the claim been signed, sealed, and dated by a notary?			☐	☐	*
19. Was this claim filed on time, or was an extension granted?			☐	☐	*
20. Is the fee enclosed correct?		Exempt	☐	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?		N/A	☐	☐	
22. Should this claim be data entered?			☐	☐	

Claim checked by: JTDate: 12-14-90Claim must be returned to claimant: ☐ (Yes) ☐ (No)Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: _____ Date: _____

Comments: #2 (2A) Refund O/S etc.

MICROFILMED

APR 19 1994

FEBRUARY 24, 1993

BILLY PETERSON
P O BOX 806
SALMON ID 83467

RE: DOMESTIC ADJUDICATION CLAIM A75-10768

Dear Mr. Peterson:

Pursuant to our telephone conversation of February 24, 1993, regarding your Notice of Claim to a Water Right, A75-10768, I am forwarding a computer generated copy for your review and verification.

As we discussed, the Priority Date of your well is now established as May 31, 1971.

Please review the Notice for accuracy. In a few cases, modifications were made by the Department for clarity. Should you determine certain items need to be changed, make the necessary changes on this form, sign it, having your signature notarized, and return it to this office by March 25, 1993. If there are no changes simply keep this Notice for your records.

If you should have any questions regarding this matter please feel free to contact me at (208) 525-7161.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Agent - Adjudications

Enclosures: Notice of Claim A75-10768

MICROFILMED
APR 19 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: **A75-10768**
Date Received: 2/24/1993
Receipt No: E014526
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BILLY PETERSON
Address: P O BOX 806
SALMON ID 83467
AND/OR
Name: MERLENE PETERSON
Address: P O BOX 806
SALMON ID 83467
208-756-3534
208-756-3534
2. Date of Priority: MAY 31, 1971
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
21N 22E 5 SE SW LEMHI
5. Description of diverting works:
18' WELL, 6" CASING, 1HP JET PUMP
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
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	5	SE	SW		DOMEST	

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

PRIORITY DATE IS CONFIRMED BY MR. PETERSON AS 05-31-1971. WELL
WAS DRILLED BY DICK CAMPBELL.
DEMECK ADDITION: ALL LOT 1. W1/2 LOT 2, BLK 2.

15. Basis of Claim: BENEFICIAL USE

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 _____