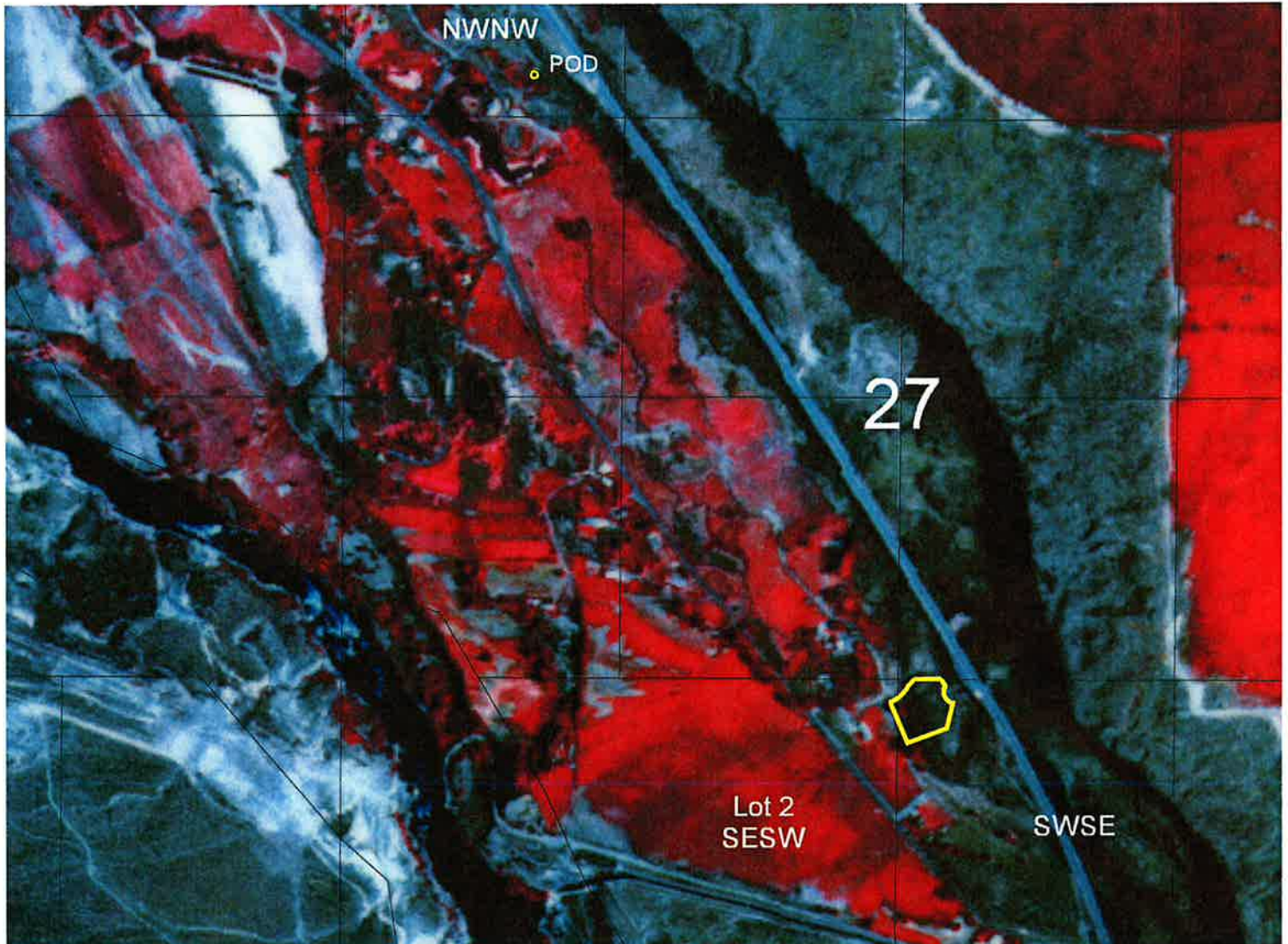


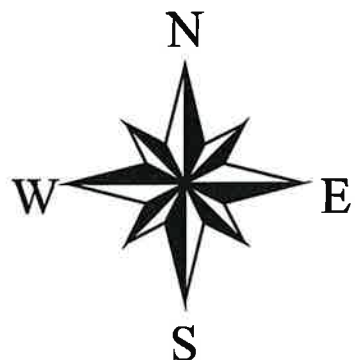
# 37-21286



800 0 800 1600 Feet

## T06S R13E S27

Map prepared by: Carter Fritschle  
Date prepared: 04/06/05  
1987-1988 NAPP photography  
Idaho Department of Water Resources



04/06/2005

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

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RIGHT NUMBER: 37-21286  
NAME AND ADDRESS: GARRY PEDROW  
358 ASPIN DR  
BLISS ID 83314  
  
PEGGY PEDROW  
358 ASPIN DR  
BLISS ID 83314

SOURCE: UPPER WADDINGTON SPRING                      TRIBUTARY: STODDARD CREEK  
QUANTITY: 0.030 CFS  
PRIORITY DATE: 11/07/1887  
POINT OF DIVERSION:  
T06S R13E S27 SENWNW Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.030 CFS       |

PLACE OF USE: IRRIGATION Within GOODING County  
T06S R13E S27                      SWSE                      0.9

0.9 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

## Stoddard Creek and Waddington Springs

1. Posted Notice by John Waddington - Water Rights Book # 1, Page 88, Lincoln County, Idaho and Water Rights Book A, Page 284, Gooding County, Idaho

Notice is hereby given that the undersigned claims by right of location, possession and final diversion all of the water of this spring known as Stoddard Spring or Creek, situated in Salmon Falls Mining District, Alturas County, Idaho, to be diverted from its natural channel at this notice and be carried by ditch and flume from this point to ranch of the undersigned, hereby reserving the right and privilege to change said point of diversion should such change be deemed advantageous to the purpose hereinafter named to be used for mining, milling, agricultural and domestic purposes.

Signed John Waddington Dated November 7, 1887 - Filed for Record, November 7, 1887

Stoddard Creek originates with Lower and Upper Waddington Springs, Stoddard Creek Springs and an unnamed spring.

2. Posted Notice by Luther Jacobs - Water Rights Book # 4, page 41, Alturas County, Idaho

Notice is hereby given that I a citizen of the United States, claim by right, location, possession and final diversion 400 inches of the water of this creek, known as Stoddard Creek, not otherwise appropriated, situated in Salmon Falls Mining District, Alturas County, Idaho Territory, to be diverted from its natural channel, at this notice, and be conveyed by ditch and flume to point of discharge about 1/2 mile in a southerly direction. Hereby reserving the right to change said point of diversion, and discharge. Should change be decreed more advantageous for the uses and purposes hereafter named, to be used for agricultural and mining purposes.

Located this 3rd day of February, 1888 - Filed for Record, February 3, 1888

Both Lower and Upper Waddington Ditches flow southerly for about 1/2 mile to the present location of the Malad Estates Subdivision. However, Luther Jacob's land appears to have been primarily to the west of the springs.

3. Contract between John Waddington, party of the first part and William H. Slater, party of the second part. Dated May 9, 1907.

In consideration of compromising an injunction suit filed in Lincoln County, Idaho, the parties hereto have agreed as to the interest each of them shall have in and to the waters of a certain irrigating ditch carrying the waters of Stoddard Spring to the first party's ranch in Section 27, Township 6 S, Range 13E, B.M. which agreement is as follows:

First party has this day executed and delivered to second party a deed to seven and one-half inches of the waters of said ditch. It is understood and agreed between the parties hereto that said seven and one-half inches is all the waters of said ditch that the second party has any right or claim to.

Without knowing the location of the Slater property, it cannot be determined if the ditch in question is the Upper or Lower Waddington Ditch.

4. Beaver River Power Company v. Ida Bell Waddington Frost, John Doe Frost, her husband, John William Waddington, a minor, and Andrew Jackson Waddington, a minor. Judgment dated July 18, 1912.

Describes the power company obtaining the right of way to place two power poles on the defendants' property in the Southwest quarter of the Southeast quarter of Section 27, Township 6 South, Range 13 East, B.M.

This indicates that Ida B. Frost (see the Upper Waddington Ditch Decree) was probably an heir of John Waddington.

5. Upper Waddington Ditch Decree - F.O. Frost and Ida B. Frost, husband and wife, Florencio Uriaguereca and Antonia Uriaguereca, husband and wife v. A. Penfold and Bert Herbert. Judgment dated June 22, 1925

Court ruled that the plaintiffs have the sole and exclusive possession and control of the Upper Waddington Ditch and the Upper Waddington Spring situated on defendant Penfold's property. The decree also provides legal descriptions for the Penfold property, the Frost property and the Uriaguereca property.

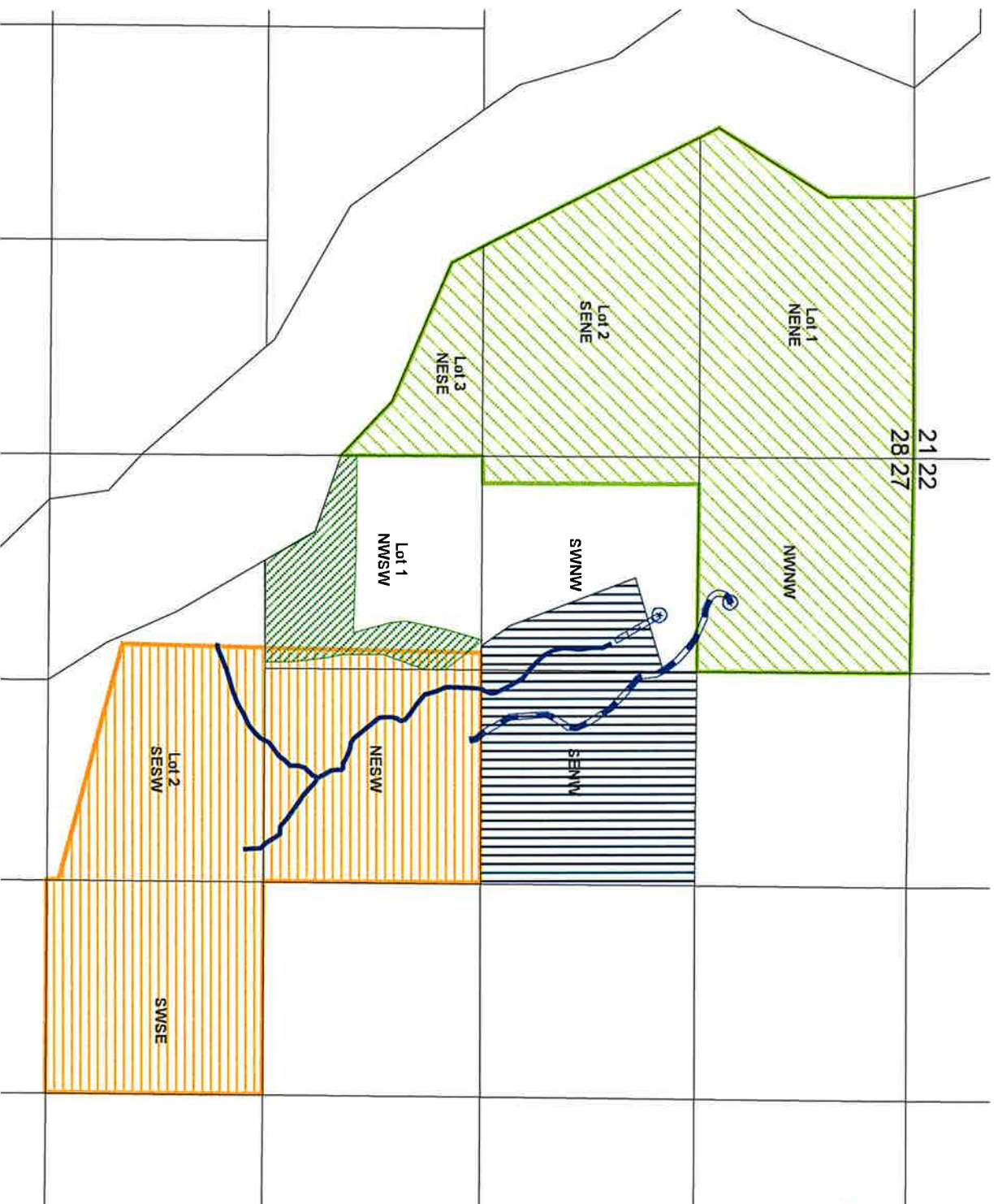
I have mapped the various properties in ArcView. (See attached) It is assumed that the Frost property was originally owned by John Waddington, and the Penfold property was originally owned by Luther Jacobs. Therefore, any lands receiving water from Stoddard Creek or its associated springs that were not included in the posted notices would have a priority date inferior to the Waddington (Frost) land or the Jacobs (Penfold) land.

6. Affidavit from Algeroy Penfold, J.R. Kinkade and J.R. Wagnor signed March 6, 1934 and recorded June 18, 1952 as instrument no. 118712, Book 7 Miscellaneous Page 137.

Describes two ditches from the Waddington Springs Complex. One ditch is one-half mile long and carries 150 inches. The other ditch carries 125 inches. Water has been used in these ditches uninterrupted since 1888. The amount of water owned in each ditch by various parties is also described.

# 1934 Affidavit

T06S R13E

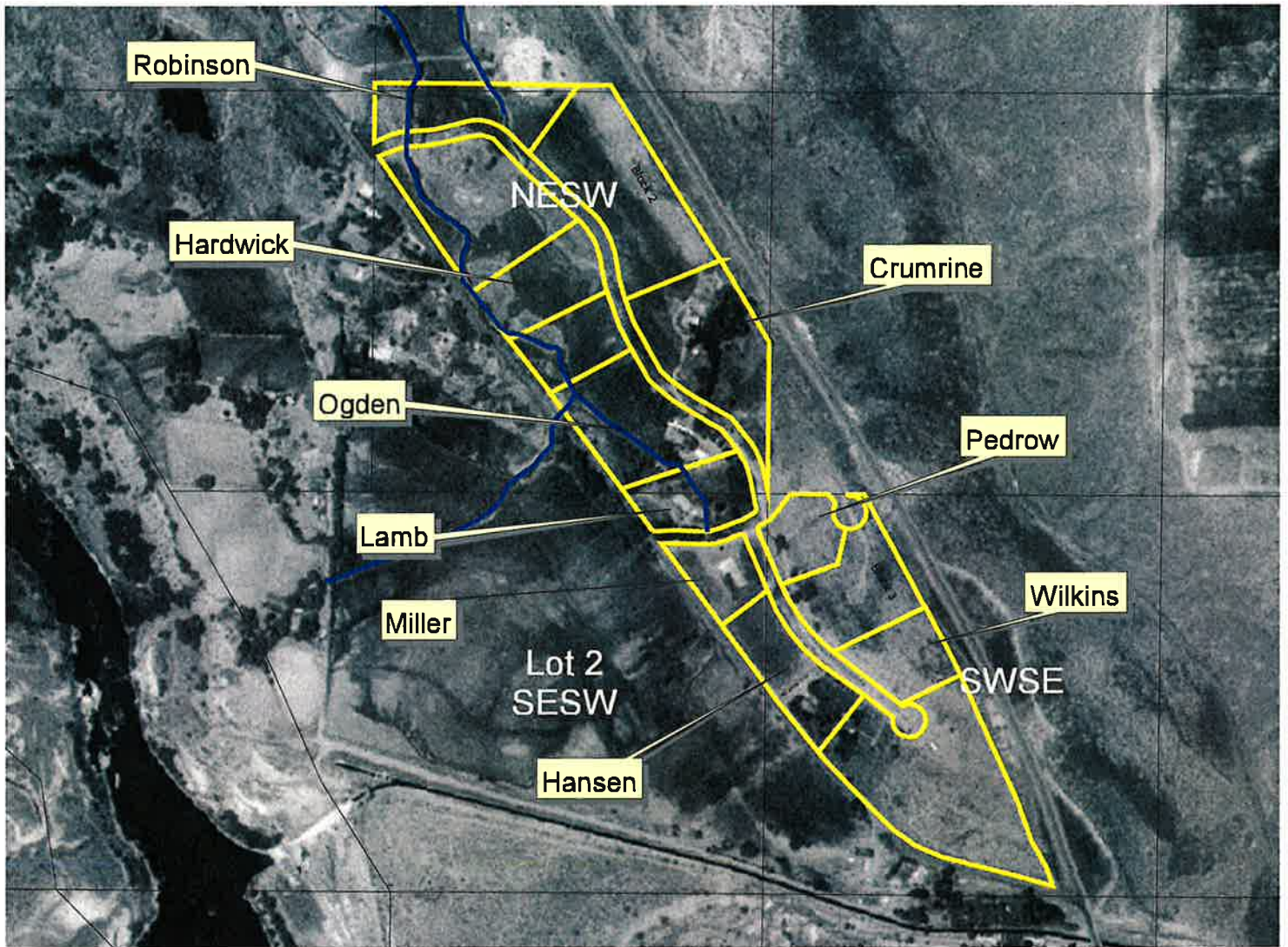


|                                                                                     |                        |
|-------------------------------------------------------------------------------------|------------------------|
|  | Steele Property - 1928 |
|  | Wagner Property - 1921 |
|  | Frost Property - 1925? |
|  | Penfold Property 1925  |

|                        |       |
|------------------------|-------|
| Upper Waddington Ditch |       |
| Frost                  | 120 " |
| Steele                 | 30 "  |
| Lower Waddington Ditch |       |
| Steele                 | 25 "  |
| Wagner                 | 25 "  |
| Keyser Estate          | 75 "  |

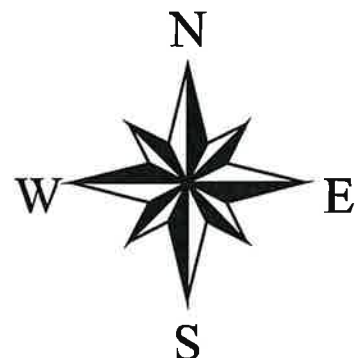


# Malad Estates Subdivision



**T06S R13E S27**

CLF 04/06/05



APR 01 2004

Department of Water Resources

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 37-21286  
Date Received: 3/31/2004  
Receipt No: 5026600  
Received By: KKC

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

## 1. Name of Claimant(s)

GARRY PEDROW Phone: (208)837-6163  
PEGGY PEDROW  
358 ASPIN DR  
BLISS ID USA 83314

## 2. Date of Priority: 01/01/1882

## 3. Source: UPPER WADDINGTON SPRING Trib. to: STODDARD CREEK

## 4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 06S      | 13E   | 27      | SE NW                 | GOODING |      |

## 5. Description of diverting works:

## 6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.03   |            |

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

## 8. Total consumptive use:

## 9. Non-irrigation uses:

## 10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|---------------|-------|---------|----------------|------------|-------|
| 06S           | 13E   | 27      | SW SE          | IRRIGATION | 0.9   |
| Section Acres |       |         |                |            | 0.9   |
| Total Acres   |       |         |                |            | 0.9   |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

The property is also known as lot 1 block 3 of the Malad estates subd.

15. Basis of Claim: Decreed

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): *Harry Pedron* Date: 3-31-2004  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho \_\_\_\_\_ )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this  
of 3-31 2004

*J. E. Stanton*

Notary Public

Residing at Twin Falls, ID

My commission Expires 10-25-2006

