

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 37-1143
Date Received: 12/20/1988
Receipt No: C004213
Received By:

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

1. Name of Claimant(s)

GUY PETERSON
MULDOON VIA PO BOX 66
CAREY ID USA 83320

Phone: (208)788-4644

2. Date of Priority: 05/01/1910

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	21E	24	SE NW SE	BLAINE	

5. Description of diverting works:

CREEK ROCK AND GRAVEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.8	

7. Total Quantity Appropriated is:
2.8 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	
03N	21E	24	SW	NW	1	IRRIGATION	10
			SE	NW		IRRIGATION	30
			NW	SW	3	IRRIGATION	35
			SW	SW		IRRIGATION	40

			NW	SE		IRRIGATION	20
			SW	SE		IRRIGATION	15
			NE	SW	4	IRRIGATION	40
			SE	SW		IRRIGATION	40
						Section Acres	230
03N	21E	25	NE	NW		IRRIGATION	10
			NW	NW		IRRIGATION	20
						Section Acres	30
						Total Acres	260

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

DATE ENTERED BY lat 2-16-89IN 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 SYSTEMCIVIL CASE NUMBER: 39576Ident. Number A37-01143Date Received 10-27-88Receipt Number 0004213

RECEIVED

OCT 27 1988

Department of Water Resources
Southern Region OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Guy Peterson Phone (208) 788-4644Mailing Address Muldoon via Carey Id Zip 833202. Date of Priority (Only one (1) per claim) 5/1/103. Source of water supply (a) Muldoon Creek
which is tributary to (b) Copper Creek - Little wood River4. a. Location of existing point of diversion is: Township 3 N Range 21 E Section 24,SE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.a simple diversion into creek,
normally hand made with creek rock and gravel, put in each
spring and taken out each fall, changing sometimes with high water
years, diverting water into irrigation ditch.

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-11 amount 2.800 or _____

For irrigation (High water) purposes from 4-1 to 11-31 amount 6.00 or _____

For stock water purposes from 5-1 to 12-1 amount 0.13 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.80 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stock water - 200 hd cattle 2000 hd sheep - one Household

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	
3 N	21 E	24							10	30	40	35	40	40		20	15		230
		25					10	20											30

Total number of acres irrigated 260

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

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.
_____ or None ()

14. Remarks:

MICROFILMED

Last Name Peterson Ident No. _____

FEB 23 1993
Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 37-01143

Court District - Lincoln Case Number 106343 Decree Date 5-1-1910

Plaintiff vs Defendant John E. Peterson vs. Mark A. Kulp, State Reclamation Engineer

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 5

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

Signature of Claimant (s) John E. Peterson Date 10-18-88

Date _____

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

of _____ Title _____, 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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 18 day of Oct. 19 88

SEAL

Notary Public Dorothy M. Adams

Residing at Hailey

My Commission Expires 1991

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Peterson Ident. Number _____

MICROFILMED

FEB 23 1993

Copies White-State, Yellow-Claimant

RECEIVED
JAN 03 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF ERROR
REPLY

12/11/2006

RECEIVED

DEC 26 2006

DEPARTMENT OF
WATER RESOURCES

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: 01/05/2007

Water right number: 37-1143

GUY PETERSON
MULDOON VIA PO BOX 66
CAREY ID 83320
Telephone Number: (208)788-4644

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:

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

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

DATE: 12-20-06

SIGNATURE:

Guy Peterson

Please print your name:

Guy Peterson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 27 2006

12/10/2006

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

RIGHT NUMBER: 37-1143
NAME AND ADDRESS: GUY PETERSON
MULDOON VIA PO BOX 66
CAREY ID 83320
SOURCE: MULDOON CREEK
QUANTITY: 2.800 CFS
PRIORITY DATE: 05/01/1910
POINT OF DIVERSION: T03N R22E S19 SESWNW Lot 2 Within BLAINE County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.800 CFS

PLACE OF USE: IRRIGATION in BLAINE County
T03N R21E S24 Lot 4 NESW 23.00 T03N R21E S24 SESW 34.00

57 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: BASIS OF CLAIM - Decreed



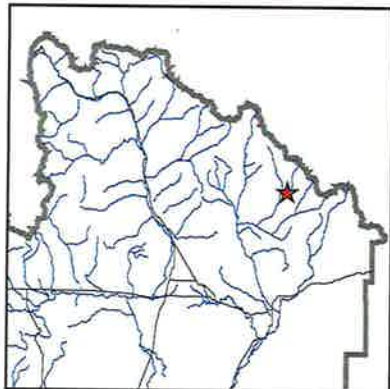
Idaho Department of Water Resources

SRBA Recommendation:

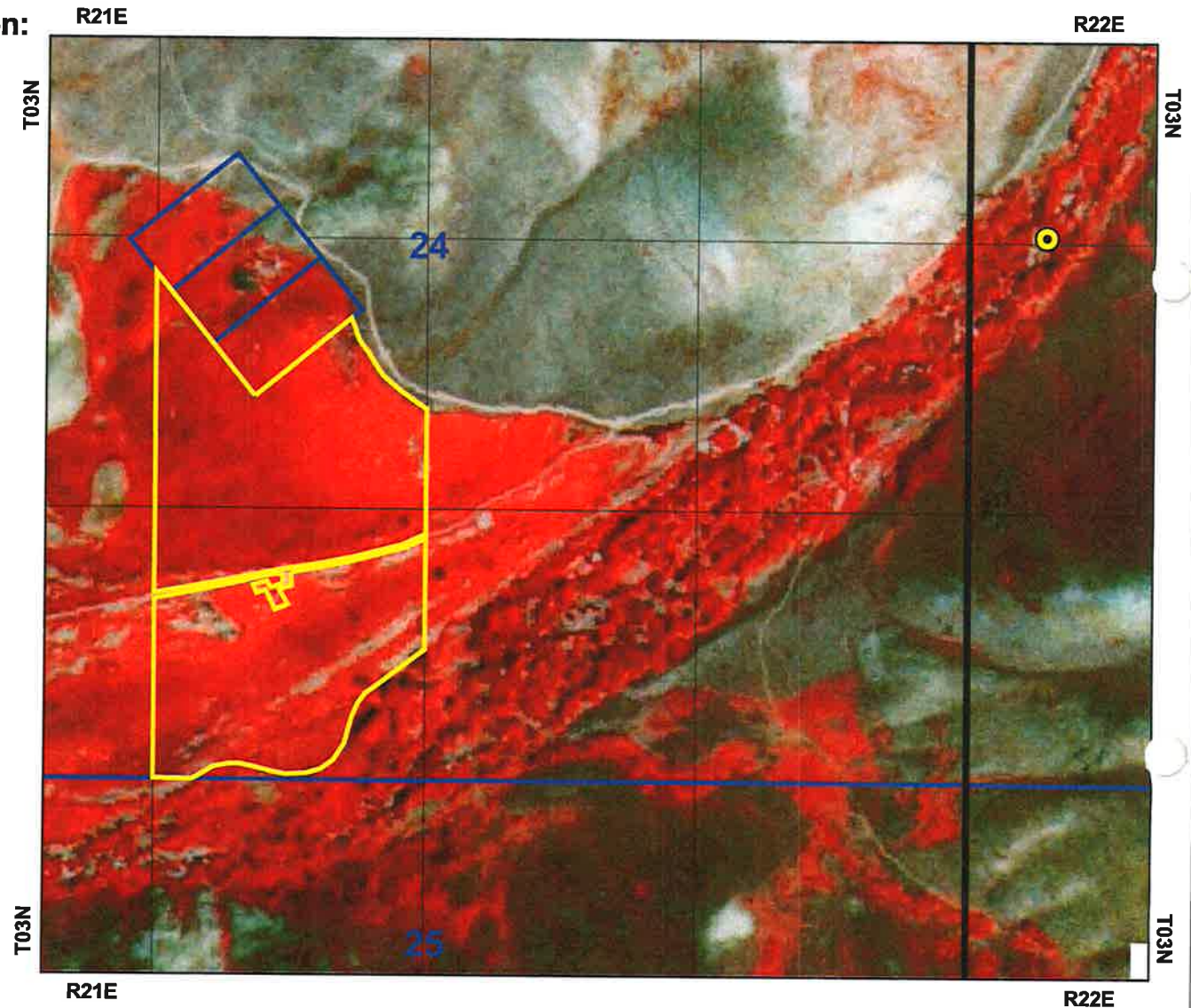
37-1143

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Sunday, December 10, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-1143

Background Data

- Source is Muldoon Creek
- Decreed for 2.8 cfs on 2 QQ
- Claimed for 2.8 cfs on 260 acres

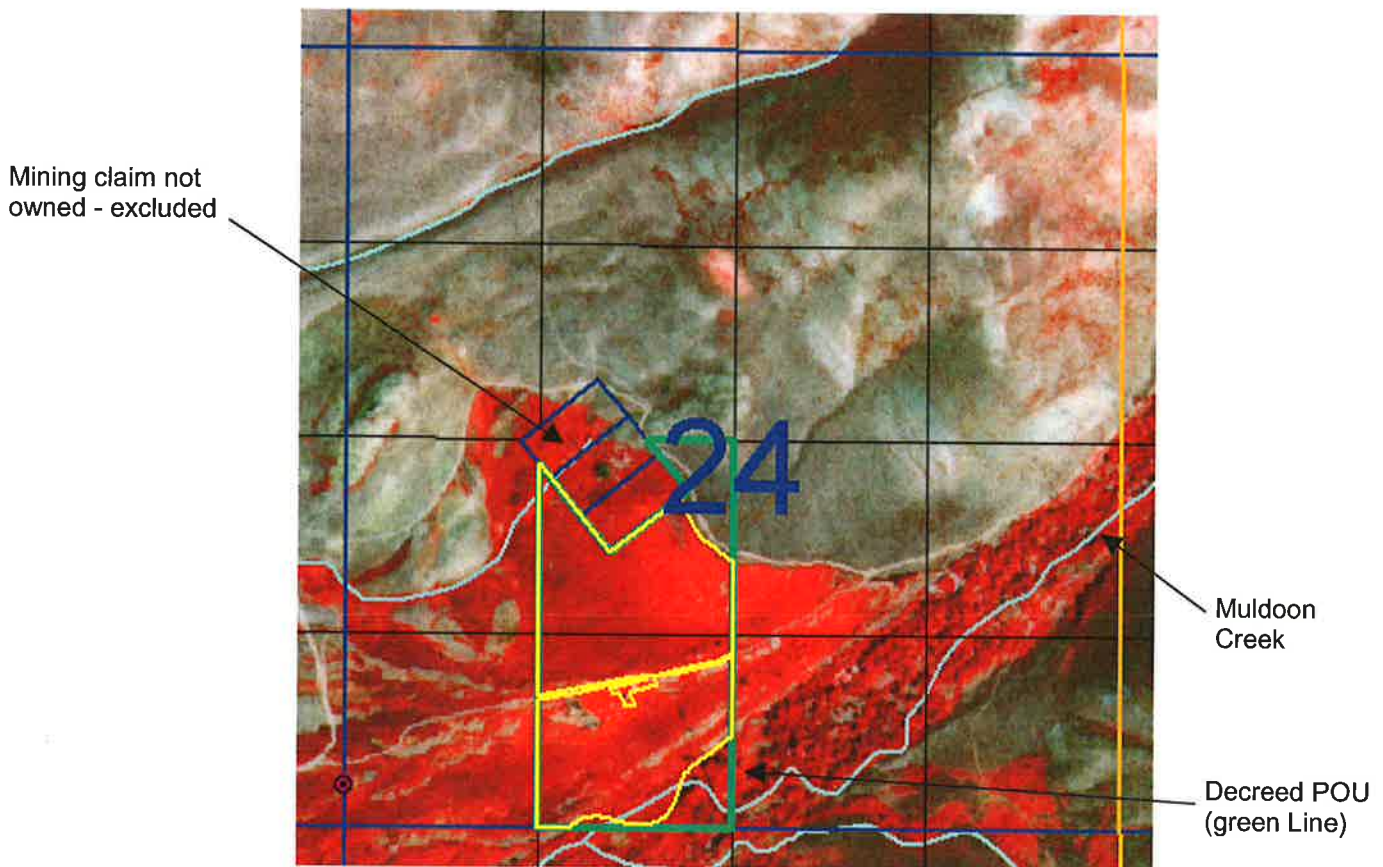
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T3N R21E Section 24

- Found 57 acres
- Talked with Guy Peterson 8/30/05 and determined: He made 2 SRBA claims using the same form, one for 2.8 cfs and one 6.0 cfs. The 2.8 cfs is claimed against 37-1143. The 6.0 cfs is a beneficial use claim (he plans to submit a new beneficial use claim for the 6.0 cfs).
- Mining claim is not owned by Peterson so it was excluded from POU.
- Claimed as decreed. This appears to be historical use of water. Recommended 2.8 cfs on 57 acres
- Date used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo



3. Item 10 is the place of use. If the acreage as found by Lee and calculated by Matt is correct then you can use the acreage as shown above for the ground that is outside of the decreed place of use for 37-1143. If you feel that the acreage should be different please enter

your understanding of the place of use. Each line of the table covers one section. Please note that there are two quarter/quarters in Sec 25 as shown at the bottom of the photo above.

The filing fee for this claim will be \$50.00 and an additional variable fee of \$1.00 per acre is due at filing. For the additional acres shown above, the variable fee would be \$96.00. If you claim different acreage, then the variable fees would be based upon those acres.

If you have any questions please give Matt or me a call and we can discuss them with you.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2005

Guy Peterson
Muldoon VIA
Carey, ID 83320

RE: Snake River Basin Adjudication claims 37-1143

Dear Mr. Peterson,

For the Snake River Basin Adjudication you submitted the attached claim for 37-1143. It appears that you claimed 2.8 cfs and 6.0 cfs for irrigation of 260 acres. Since water right 37-1143 was originally decreed for 2.8 cfs, state law mandates that the maximum diversion rate that can be claimed or recommended for this right is 2.8 cfs. To have the 6.0 cfs considered in the Snake River Basin Adjudication, you will need to file an additional claim with the Idaho Department of Water Resources. If this 6.0 cfs represents all or part of a previously decreed or licensed water right, you can file a claim against that water right. Otherwise, depending on when this diversion started, you may be able to file a beneficial use claim for the 6.0 cfs. Note that a beneficial use claim requires that you provide evidence supporting your claimed priority date (see enclosed pamphlet). Claims can be filed at the Idaho Department of Water Resources office in Twin Falls, located at 1341 Fillmore St., Suite 200, (208) 736-3033.

I have attached two maps. The first is a draft map of the Place of Use that I plan to recommend for 37-1143. The second is a draft map of what I assume is the Place of Use for the 6.0 cfs discussed above. This second draft map is based on a field exam conducted by Lee Peterson a few weeks ago.

Feel free to contact me at (208) 287-4937 if you have any questions or would like to discuss this.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

DATA EN... BY lat 2-16-89IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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RECEIVED

OCT 27 1988

Department of Water Resources
Southern Region OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
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Please type or print clearly

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which is tributary to (b) Copper Creek - Little wood River4. a. Location of existing point of diversion is: Township 3 N Range 21 E Section 24,SE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.a simple diversion into creek,
normally hand made with creek rock and gravel, put in each
spring and taken out each fall, changing sometimes with high water
years, diverting water into irrigation ditch.

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-11 amount 2.800 or _____

For irrigation (High water) purposes from 4-1 to 11-31 amount 6.00 or _____

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For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.80 (cfs) and/or (b) _____ (acre feet)

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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	
3 N	21 E	24							10	30	10	35	40	50		20	15		230
		25					10	20											30

Total number of acres irrigated 260

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

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.
_____ or None ()

14. Remarks:

MICROFILMED

Last Name Peterson Ident No. _____

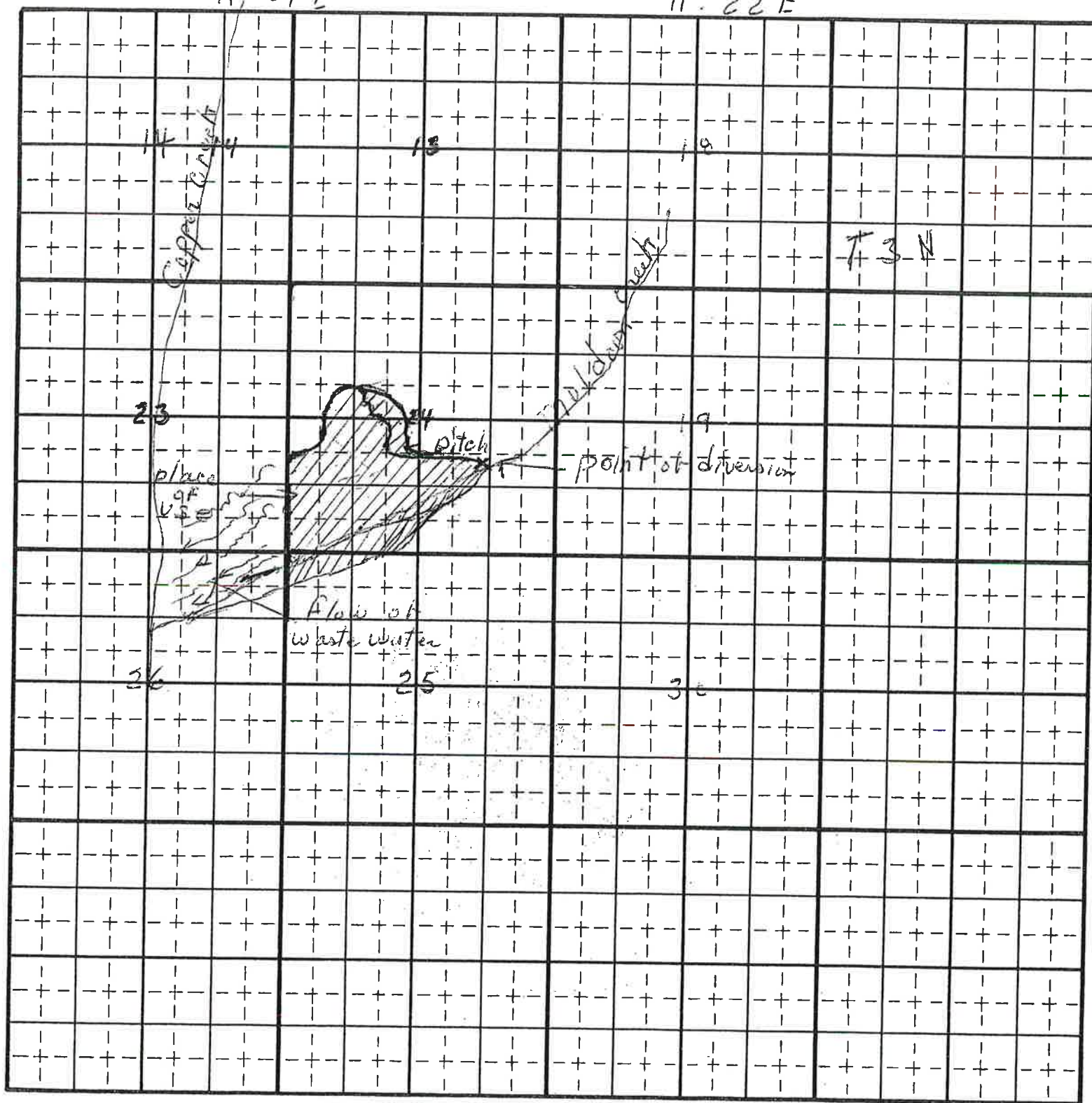
FEB 23 1993
Copies: White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

R. 21 E

R. 22 E



MICROFILMED

FEB 23 1993

Last Name

Peterson

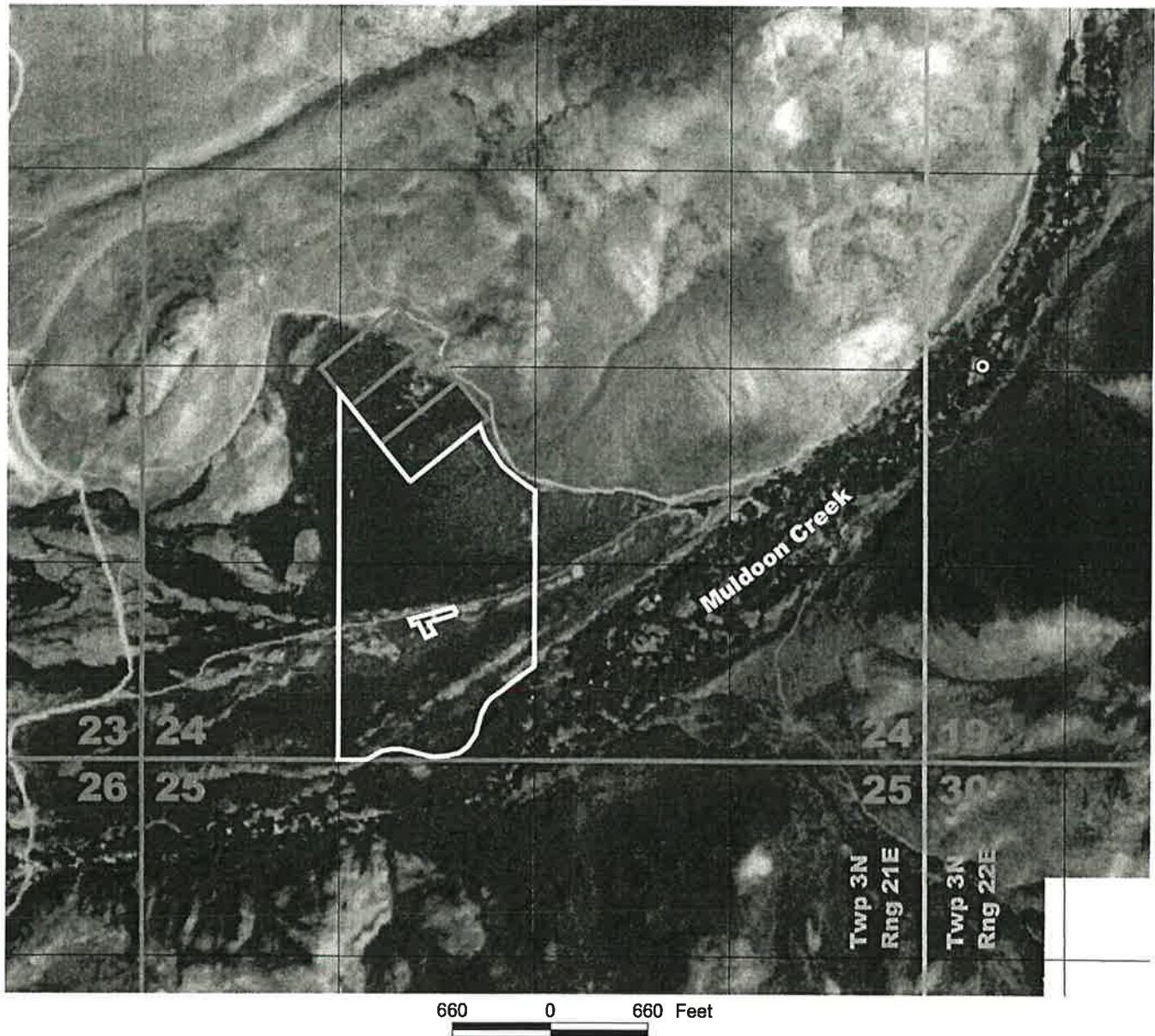
Ident No.

Copies: White-State, Yellow-Claimant

Draft

Idaho Department of Water Resources
**RECOMMENDED PLACE OF USE FOR
37-1143**

Draft



PLACE OF USE
TWP 3N, RNG 21E, SEC 24 & 25
Data entry on August 1, 2005

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

-  TOWNSHIP LINES
-  SECTION LINES
-  QUARTER/QUARTER LINES

★ LOCATION IN BASIN 37

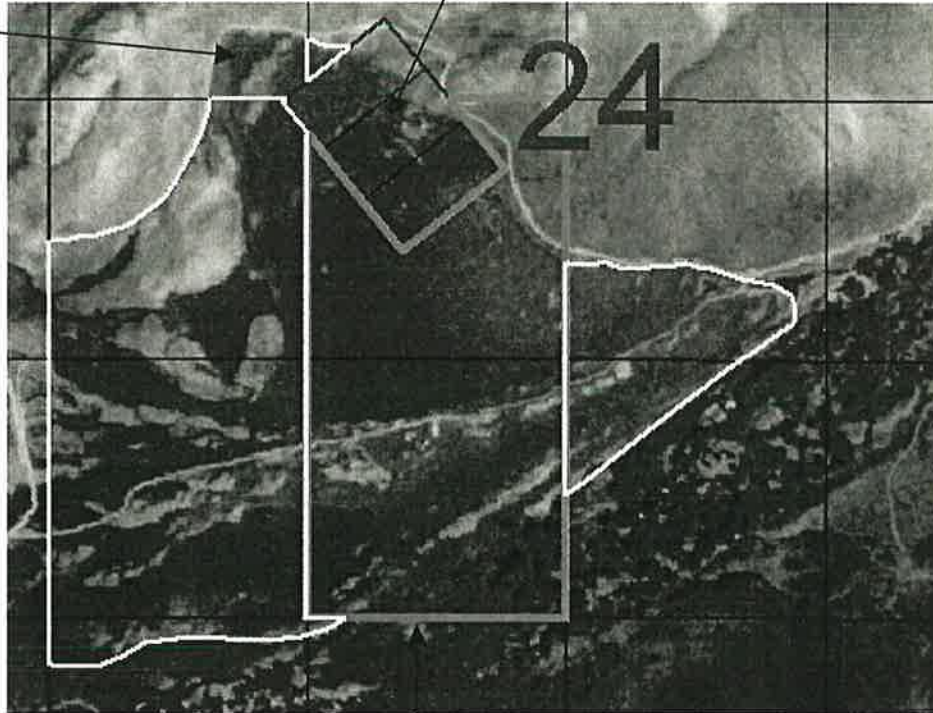
GIS PLACE OF USE PRESENTATION
1987 ORTHO AERIAL PHOTOGRAPHY
DATA ENTRY BY MATT ANDERS



**Draft Place of Use
for 6.0 cfs claimed in 37-1143**

Owned by
Muldoon
Grazing Assoc.
- excluded

Mining claim not
owned - excluded



Decree POU for 37-1143
(green line)

Background Data

- Source is Muldoon Creek.
- Decreed for 2.8 cfs on 2 QQ.
- Claimed for 2.8 cfs on 260 acres.

Field Exam by
Lee Peterson

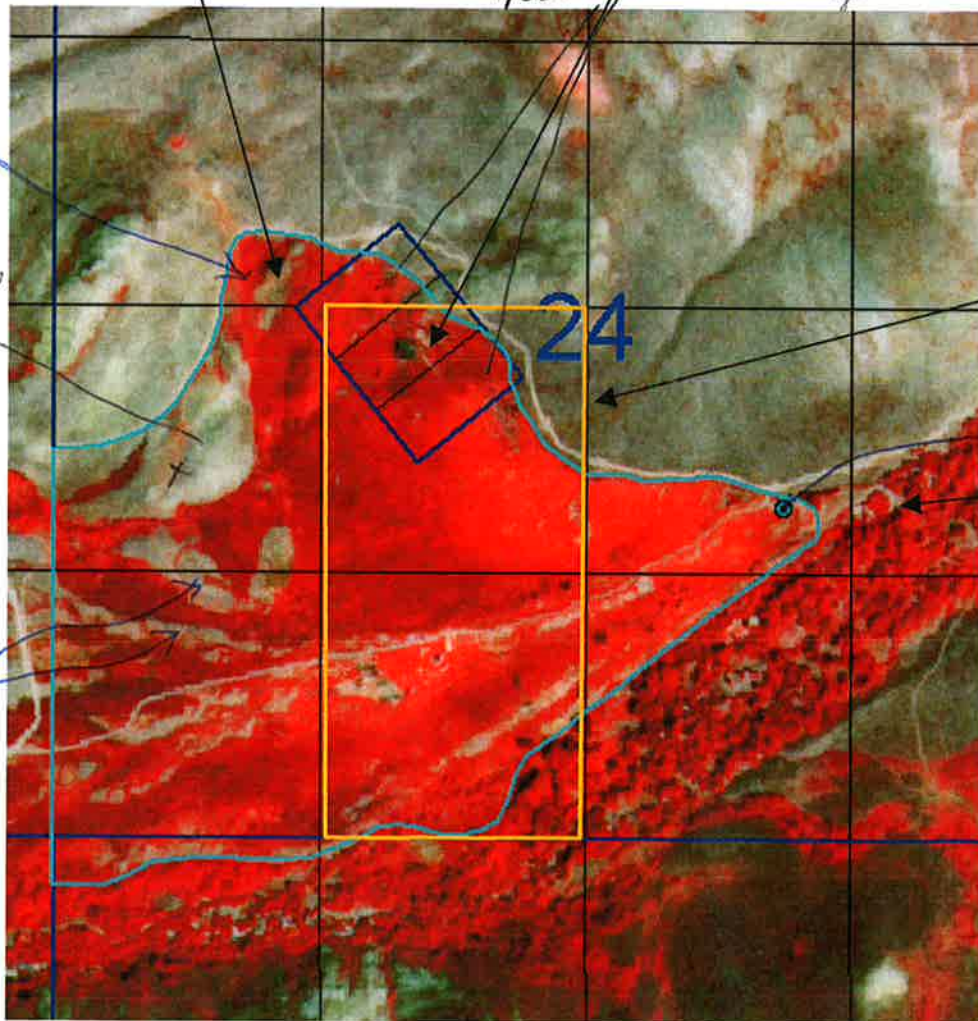
Place Of Use Data

Blue line is the draft Place of Use created by IDWR based on historical data and records.
Blue dot is draft Point of Diversion created by IDWR based on historical data and records.
Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

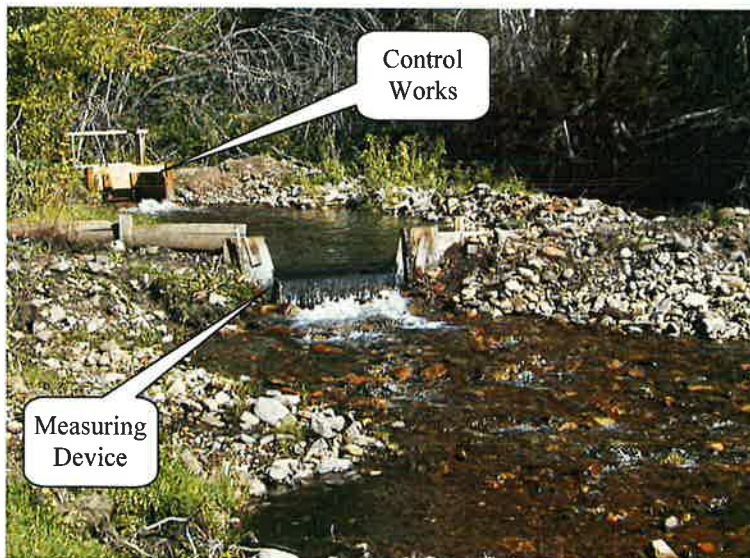
1987 Aerial Photo

This QQ owned by Muldoon Grazing
Co is it irrigated?

Is this mining claim owned by
Peterson? Is it irrigated?



Guy Peterson Diversion



ABOVE: View looking down Muldoon Creek with control works visible at the head of Guy Peterson's ditch.

LEFT: View looking up Guy Peterson's ditch through the measuring device towards the control works.

GPS coordinate location for point of diversion: 2508844, 1375235 (IDTM coordinates NAD83 projection) Legal Description SWNW (Govt. Lot #2) Section 19 (T03N, R22E). Site Tag #A0011848.

Control works consist of wooden gate structure with wooden gate and metal gate stem. Measuring device consists of a 3.0 foot Cipoletti Weir (metal blade in wood structure). No staff gage was present for the measuring device. Flow through measuring device was measured at 2.16 cfs.

Concerns: Durability of wooden control works and measuring device structure? Lack of staff gage. Guy Peterson's SRBA filing, 37-1143 for 2.8 cfs, identifies point of diversion in Section 24 (T03N, R21E).

Wrong
Section
use Coray's

File No.
A37-12393-12390-1143

Owner
Guy D Peterson
Muldoon VIA
Carey

Date
6/22/05

I went up to Guy's ranch this morning and met with him and his wife to review his three water files and while reviewing file 12393, he made a memo regarding his priority date which is in file , and he said the blue area is a good representation of his property but the POD is in the wrong place , it is in the creek shown on the red and green photo and this POD is in Buck creek. The area arrow by POD is owned by Grazing Co..

File 12390- Guy said this POD is in wrong location it is down red photo as shown and new GPS, he said the area mark in yellow is good and the arrow marked canal is -no- it is a creek and the POD on this red and gray photo has washed out and gone. The light area is rock out cropings which are irrig. When they have plenty of water.

File 1143- Guy said this blue area also looks good for his property and the POD is on Muldoon Cr. GPS by Corey Skinner Twin IDWR copy attached the area on color photo gray , he said they water this land when they have flood water and the same on the area in question Muldoon Grazing is only watered when flooding is available . The three areas claimed by Mining is at this date mining but Guy has been paying taxes on this land for some years and they are going into the County and inquire about them owning or acquiring this land.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Buck Cr	Guy 1	2508630	1374268	None	1060622
Deep Gulch	" 2	2506670	1377103	A0016199	" 621
Argosy Cr	" 3	2509270	1376277	200	623

Lee R. Peterson

8/15/05
by Matt A

Muldoon Creek

Court Decisions after the Frost Decree 12/13/1909

5/25/1925 + 1/22/1926 37-1140

2/15/1927 37-1139

7/8/1940 37-1142

6/30/1955 37-1143

37-8

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN.

JOHN E. PETERSON and FLORENCE E.
PETERSON, husband and wife,

Plaintiffs,

vs.

MARK R. KULP, STATE RECLAMATION
ENGINEER, FOR THE DEPARTMENT OF
RECLAMATION OF THE STATE OF IDAHO,
and D. F. PETERSON, WATERMASTER
OF WATER DISTRICT NO. 11-D OF
BLAINE COUNTY, STATE OF IDAHO,

Defendants.

ACCEPTANCE OF SERVICE
OF SUMMONS

STATE OF IDAHO,
County of Ada.

ss.

MARK R. KULP, Being first duly sworn, deposes
and says: That he is one of the defendants in the above en-
titled action; That on the 26 day of March, 1955, he received
a true copy of complaint and summons in the above entitled
action and does hereby accept service of said complaint and
summons this 1st day of April, 1955.

(s) Mark R Kulp

SUBSCRIBED AND SWORN TO Before me this 2nd day of April, 1955.

M. C. Hamblin
Notary Public for Idaho.
Residing at Boise, Idaho.

Com. Exp. 3-5-59

(Seal -

JUN 05 1956

39-0

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN.

• • • • •

JOHN E. PETERSON and FLORENCE E.)
PETERSON, husband and wife,)
Plaintiffs,)

vs.)

MARK R. KULP, STATE RECLAMATION)
ENGINEER, FOR THE DEPARTMENT OF)
RECLAMATION OF THE STATE OF IDAHO)
and D. F. PETERSON, WATERMASTER)
OF WATER DISTRICT NO. 11-D of)
BLAINE COUNTY, STATE OF IDAHO,)
Defendants.)

D E C R E E

This matter came on regularly to be heard in Open Court at Shoshone, Lincoln County, Idaho, on the 28th day of June, 1955, before Hon. D. H. Sutphen, District Judge; Joseph McFadden, attorney at law, appeared as attorney for the Plaintiffs and plaintiffs both being personally present and the defendant D. F. Peterson, Watermaster of water District No. 11-D of Blaine County, State of Idaho, having failed to appear or plead and his default having been duly entered and the defendant, Mark R. Kulp, State Reclamation Engineer having filed his answer herein and being represented by the Office of the Attorney General, State of Idaho, and said Office of the Attorney General, State of Idaho, having advised the Court in writing that they would not appear in said hearing, the Court proceeded to hear said matter and certain oral and documentary evidence having been submitted by and on behalf of the plaintiffs, no evidence being introduced on behalf of the defendant, the evidence was closed and matters submitted to the Court for his consideration, findings and conclusions, and the Court having entered in said matter his findings and conclusions herein;

JUN 05 1955

37 1143 IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED

That the plaintiffs are the owners of and entitled to the use of 140 inches of the waters of Muldoon Creek, Blaine County, Idaho, or 2.8 cubic feet per second with priority date of May 1, 1910, diverted from said stream in Blaine County, Idaho, for irrigation purposes and use upon Lot 4 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Twp. 3 North, Range 21 East, Boise Meridian;

That this decree is a supplemental adjudication of plaintiff's water rights as provided by Section 42-1405, Idaho Code, supplemental, however, to that decree rendered on or about November 10, 1903 by the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of N. R. Woodworth, et al., vs. Frank Anthony, et al., and also supplemental to that certain decree rendered on or about December 13, 1909, in the case of S. E. Frost et al., vs. Alturas Water Co., et al., in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, and subject to the terms of said decrees;

Dated this _____ day of June, 1955.

D. H. SUTPHEN
DISTRICT JUDGE

STATE OF IDAHO)
) ss.
COUNTY OF LINCOLN)

I, Luella L. Kinsey, Clerk of the District Court in and for the County of Lincoln, State of Idaho, do hereby certify that the foregoing is a full, true and correct copy of the original DECREE now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho in Book 7 at Page 333.

IN TESTIMONY WHEREOF, I have set my hand and
affixed my official seal
this _____ day of _____ A.D. 19____

(SEAL)

JUN 05 1955
LUELLA L. KINSEY
CLERK OF THE DISTRICT COURT.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN.

JOHN E. PETERSON and FLORENCE E.)
PETERSON, husband and wife,)
Plaintiffs,)

RECEIVED
JUL 11 1955
Department of Reclamation

-vs-

MARK R. KULP, STATE RECLAMATION)
ENGINEER, FOR THE DEPARTMENT OF)
RECLAMATION OF THE STATE OF IDAHO,)
and D. F. PETERSON, WATERMASTER)
OF WATER DISTRICT NO. 11-D OF)
BLAINE COUNTY, STATE OF IDAHO,)
Defendants.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

The above entitled matter came on regularly for hearing before the Court at the Courthouse, Shoshone, Lincoln County, Idaho, this 28th day of June, 1955; The plaintiffs appearing in person and by Joseph McFadden, their attorney, and the defendant D. F. Peterson having been duly served with summons, and having failed to appear or plead to the said complaint on file herein, and the default of said defendant having heretofore been regularly heard, and the defendant Mark R. Kulp, State Reclamation Engineer, having filed his answer to said complaint, and said matter having been regularly called for hearing after due notice, and the office of the Attorney General of the State of Idaho, representing the said Mark R. Kulp, having advised the Court in writing that they would not be present at said hearing, the court proceeded to hear said matter, and plaintiff's having submitted oral and documentary evidence, and the Court being fully advised in the premises, makes its findings of fact and conclusions of law as follows:

-FINDINGS OF FACT-

That the plaintiffs, John E. Peterson and Florence E. Peterson, are husband and wife, and are the owners of and

JUN 05 1956

in possession of the following described real estate situate in the County of Blaine, State of Idaho, to-wit:

Lot 4 and the SOUTHEAST QUARTER of the SOUTHWEST QUARTER (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-four (24), Township Three (3) North of Range Twenty-one (21), East of the Boise Meridian, in Blaine County, Idaho;

together with all and singular the tenements, hereditaments and appurtenances;

That they have been the owners of said real property since they acquired title to the same by deed dated August 10, 1934, and recorded in Book 128 of Deeds, page 268; That prior to the time that they acquired title to the said property and for ten years prior hereto, the said John E. Peterson, plaintiff herein, had rented said property or been in possession thereof;

2. That the defendant Mark R. Kulp is the duly appointed, acting and qualified State Reclamation Engineer of the Department of Reclamation of the State of Idaho; That D. F. Peterson is the duly elected watermaster of water district No. 11-D of Blaine County, Idaho, but these plaintiffs do not know whether he has fully qualified by filing oath and bond as yet.

3. That William D. Deeble was the original patentee of the premises described in paragraph 1 above, and that he was issued patent to said above described premises on the 21st day of May, 1913; That prior to the issuance of said patent, the said William D. Deeble has been in possession of said above described premises, with other premises described in said patent for more than five years under claim of right as an entryman under the laws of the United States. That the plaintiffs in this action are successors in interest of the said William D. Deeble to said above described premises by mesne conveyances from the said William D. Deeble.

4. That on or about the 1st day of May, 1910, the said William D. Deeble, plaintiffs' predecessor in interest, appropriated and by means of dams and ditches diverted 140 miners' inches of

water, or 2.8 cubic feet per second, of the waters of tributary of Muldoon Creek, in what is now Blaine County, Idaho, and at said time did by means of dams and ditches of sufficient size and capacity to divert, conduct and carry said amount of water, divert said water in said amount from said stream at a point on said stream near said land, and by means thereof conducted the same to and upon and over said described lands for the irrigation thereof and the cultivation thereof, and that said amount of water was diverted and used for the irrigation and cultivation of the said above described lands, on or about the date mentioned and continuously during the irrigation season of each and every year since the date of said appropriation said water has been and now is used for the irrigation of said lands; That said above described lands are highly gravelly and porous in nature and that the duty of water on said lands is more than one inch to the acre, but that for proper irrigation of said lands, it requires not less than two inches of water to the acre to properly irrigate said lands.

5. That all of the above described lands are arid in character and require the application of artificial irrigation or the application by artificial means of water thereon in order to cultivate and produce agricultural crops on said lands, and that there is no other means of irrigating the same.

6. That this action is brought under and by virtue of the provisions of Section 42-1405, Idaho Code, for a summary supplemental adjudication of water rights.

7. That the priority of rights of the users of Muldoon Creek were adjudicated and determined by a decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Logan, in an action entitled

N.R. Woodworth et al., vs. Frank Anthony, et al., and which said decree is duly docketed and recorded in Book 6 of Judgments, at Page 257, and further that there was a complete adjudication of all water rights on said Muldoon Creek and of Wood River in the case of S.C. Frost, et al., vs. Alturas Water Co., et al., in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, and which decree was dated the 13th day of December, 1909, and judgment docketed and entered in Book 1, Civil Judgments at Page 159, Records of Lincoln County, on the 17th day of December, 1909, and which judgment was also filed and recorded in Book 6, of Judgments at Page 447, Blaine County, Idaho, on December 23, 1909; That subsequent to the entry of the said Frost Decree, plaintiff's predecessor in interest, William D. Deeble acquired the right to use of said waters as hereinabove alleged, and cultivated said lands and irrigated the same; That said water has always been used since said time openly, notoriously, by plaintiffs' predecessors in interest and by plaintiffs, during all of said period, and continuously during each and every year during the irrigation season upon said lands aforesaid, as a matter of right.

-CONCLUSIONS OF LAW-

And as conclusions of law from the foregoing facts, the Court makes the following conclusions of law, to-wit:

1. That the plaintiffs are entitled to decree for the use of 140 inches (2.8 cubic feet per second) of the water of Muldoon Creek of the priority date of May 1, 1910; Supplemental, however, only to the decree rendered in the case of N. R. Woodworth et al., vs. Frank Anthony, et al., and which said decree was docketed and recorded in Book 6 of Judgments at page 257, records

JUN 05 1996

of Blaine County, Idaho, and a complete adjudication of all water rights on said Muldoon Creek and Wood River in the case of S. C. Frost, et al., vs. Alturas Water Co., et al., in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, and which said decree was dated the 13th day of December, 1909 and judgment docketed and entered in Book 1, Civil Judgments at Page 159, records of Lincoln County, Idaho, on the 17th day of December, 1909;

Dated this 30th day of June, 1955.

D. H. Sutphen
DISTRICT JUDGE

STATE OF IDAHO)
 SS
COUNTY OF LINCOLN)

I Luella L. Kinsey, Clerk of the District Court, in and for the County of Lincoln, State of Idaho, do hereby certify that the foregoing is a full true and correct copy of the original FINDINGS OF FACT AND CONCLUSIONS OF LAW now on file in my office, as the same appears on the Records of said Lincoln County State of Idaho in Book 7 at Page 334.

IN TESTIMONY WHEREOF, I have set my hand and affixed
my seal this 5 day of July A.D. 1955

Luella L. Kinsey
CLERK OF THE DISTRICT COURT

JUN 05 1956

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1143

WATER RIGHT NUMBER: 37-1143

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLORENCE E PETERSON
	, ID
Current Owner	JOHN E PETERSON
	1484 N 1200 E
	IDAHO FALLS, ID 83402
	(208)512-0167

Priority Date: 05/01/1910

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MULDOON CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.800 CFS	
	<u>Total Diversion:</u>	2.800 CFS	

Location of Point(s) of Diversion

MULDOON CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	21E	24									X						X		
											L 4								

Conditions of Approval:Remarks:

- General LAND REQUIRES NOT LESS THAN 2"ACRE FOR PROPER IRRIGATION.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1143

Licensed Date:
Decreed Date: 6/30/1955
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 370
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Mark R Kulp, et al
Decree Plaintiff: John E Peterson, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

Water Right Number - A37-01143

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PETERSON

GUY

1 - MULDOON VIA

2 -

3 -

City- CAREY

State- ID Zip- 83320

Phone - 208-788-4644

*** O - ORIGINAL OWNER ***
PETERSON

FLORENCE E.

1 -

2 -

3 -

City- X

State- ID Zip- 0

Phone - 208-000-0000

PETERSON

JOHN E.

1 -

2 -

3 -

City- X

State- ID Zip- 0

Phone - 208-000-0000

+ - - Priority Date - - +
05/01/1910+ - - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +
MULDOON CREEK+ - - - - Tributary - - - - - +
LITTLE WOOD RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------	--------------------	---------------------------------------

03N	21E	24	SE NW SE			(13) BLAINE		
-----	-----	----	----------	--	--	-------------	--	--

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	------------------------	----------------	------------------

01 - IRRIGATION

04/01

11/01

2.800

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
2.800			650.0	

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
-----	-----	-----	-------	-----	-------	----------------------	-------------	--------

03N	21E	24	SW NW	1	10.0	01	IRRIGATION	(13) BLAINE
03N	21E	24	SE NW		30.0	01	IRRIGATION	(13) BLAINE
03N	21E	24	NE SW	4	40.0	01	IRRIGATION	(13) BLAINE
03N	21E	24	NW SW	3	35.0	01	IRRIGATION	(13) BLAINE
03N	21E	24	SW SW		40.0	01	IRRIGATION	(13) BLAINE
03N	21E	24	SE SW		40.0	01	IRRIGATION	(13) BLAINE
03N	21E	24	NW SE		20.0	01	IRRIGATION	(13) BLAINE
03N	21E	24	SW SE		15.0	01	IRRIGATION	(13) BLAINE
03N	21E	25	NE NW		10.0	01	IRRIGATION	(13) BLAINE
03N	21E	25	NW NW		20.0	01	IRRIGATION	(13) BLAINE

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FEB 23 1993

Total Acres: 260.0

MICROFILMED

FEB 23 1993

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-	Y	Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	03/07/1986	Old Judicial District	-	
Claim Received Date	-	12/20/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	370
Licensed Date	-	00/00/0000	Receipt Number	-	C004213	Federal/State Indicator	-	S
Claims Tape Error Flg	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-		Notice of Error Flag	-	

MICROFILMED
FEB 23 1993

Water Right Number - 37-01143 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PETERSON

~~JOHN E.~~

Guy D.

1 -
2 -
3 -

City- Carey - via Muldoon
Phone - 208-788-4644

State- ID Zip- 83320

PETERSON

~~FLORENCE E.~~

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/01/1910 17 D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
MULDOON CREEK LITTLE WOOD RIVER

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

3N 21E 24
25 1-3-4 Blaine

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

2.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.800

+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

03N 21E 24 SE NW 1-3-4 1.25 01 IRRIGATION 13 BLAINE
03N 21E 24 SE SW 38 01 IRRIGATION 13 BLAINE
25 1/2 NW 30

Total Acres: 260

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - Other Rights for Same Use -

Remarks
LAND REQUIRES NOT LESS THAN 2"/ACRE FOR PROPER IRRIGATION.

Conditions of Approval
No Conditions of Approval found.

MICROFILMED
FEB 23 1993

Peterson

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	- P
Start Work Date	-	00/00/0000	Verified Date	-	03/07/1986	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	- 370
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	06/28/1955					

Microfilmed
Feb 23 1993
Peterson

Turn over top of envelope to the right
of the return address

CERTIFIED

919 285 578

MAIL

**TURN RECEIPT
REQUESTED**

IDAHO DEPT. OF WATER RESOURCES
2148 4th AVE. EAST
TWIN FALLS, ID. 83301



RECEIVED

OCT 27 1988

Department of Water Resources
Southern Region Office

MICROFILMED
FEB 23 1993

Peterson

Bu ing. #37-1231
50 20

Bu Dom. #37-12391
sp/ing 25

#37-12392
50 35

Bu. 1959
37-01143 50 200

MICROFILMED

FEB 23 1993

#37-12393
50 15 - 65

① Burpore 15 acres in 600 24
are not overlap

0004213

Water Right Number - 37-01143

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***

PETERSON

JOHN E.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

PETERSON

FLORENCE E.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1910 17 D - DECREED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
MULDOON CREEK LITTLE WOOD RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

2.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.800+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

03N 21E 24 NE SW 4 01 IRRIGATION (13) BLAINE

03N 21E 24 SE SW 4 01 IRRIGATION (13) BLAINE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
LAND REQUIRES NOT LESS THAN 2"/ACRE FOR PROPER IRRIGATION.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

FEB 23 1993

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Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Start Work Date	-	00/00/0000	Verified Date	-	03/07/1986	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	370
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	06/28/1955						

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FEB 23 1993

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Peterson CLAIM ENT. NO. A37-01143DATE RECEIVED 10-27-88 CK # 4004213 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? 650252 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 receipted and data entered? | ☒ | ☐ | |

Claim checked by: ratDate: 2/15/89

Claim must be returned to claimant:

(Yes) ☐ (No) ☐

Claimant must be sent a copy of amended claim for approval:

☒ (Yes) ☐ (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments: he has increased amt to 8.8 from 7.8.

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checked do on docket sheet no money.

FEB 23 1993

Lists 6 attachments. Nothing attached



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 6, 1989

Mr. Guy D. Peterson
Muldoon Via
Carey, ID 83320

RE: Notice of Claim to a Water Right
No. A37-01143 - Blaine County

Dear Mr. Peterson:

We have accepted your Notice of Claim to a Water Right based on water right 37-01143. However, our records show that the original decree was issued for 2.8 cubic feet per second (cfs). Attached is a copy of the claim as accepted for you to keep in your files.

In order to protect the additional amount of water you are now claiming, you have one of two choices. You may file an additional claim to cover the 6.0 cfs based on beneficial use.

Your other option is to file an Application for Permit on this additional water and have it acted upon by the Department and may eventually be licensed. In this case, since the proof of beneficial use would be after the commencement date, November 17, 1987, you would not be required to file a Notice of Claim. Of course, you may do both if you wish.

I have enclosed both sets of forms to use as you wish. If you need assistance completing any of the forms, please do not hesitate to contact any of the offices listed in the instructions.

There are two additional items which need to be addressed. First, on the last page of the claim forms, you indicated that you wish to receive the docket sheet. The docket sheet is a document that lists all the legal documents in the preceeding month which have been filed with the Twin Falls District Court in the Snake River Basin Adjudication. It is prepared and published on a monthly basis. The fee for a calendar year subscription is \$7.50. In order to be added to the subscription list, you will need to send in the \$7.50 fee to Adjudication Bureau, Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720.

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FEB 23 1993

Mr. Guy D. Peterson
March 6, 1989
Page 2

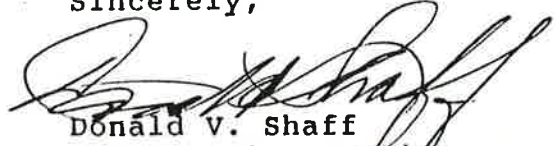
Secondly, on each of the five claims you submitted, you noted that there were six attachments to each of the claims. However, we were unable to locate any attachments to any of the claims. If you wish to attach six items to each claim, please send in one set and we will be happy to attach a set to the following claims:

A37-12390
A37-12391
A37-12392

A37-12393
A37-01143

If we do not receive any material, we will assume that you did not intend to have any attachments to these claims. If we can be of any assistance, please do not hesitate to contact the Department.

Sincerely,



Donald V. Shaff
Adjudication Section Supervisor

DVS:HH:db
Enclosures
Rec. #C004213
A37-01143
Application for Permit w/Instructions
Long Form w/Instructions

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