

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: A37-04098
Date Received: 4/14/1988
Receipt No: 5000079

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FARRELL PETERSON 208-886-7504
Address: RT. 1
SHOSHONE, ID 83352

AND/OR

Name: LOIS L. PETERSON
Address: SHOSHONE, ID 83352

2. Date of Priority: MAY 15, 1950

3. Source: WASTE WATER Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	17E	11	SE	SE			LINCOLN

5. Description of diverting works:
CHECK DAMS & DITCHES, GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/15	1.000		
STOCKWATER	05/01	10/15	0.020		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 9.30 A.F.A.

8. Total consumptive use is 9.3 Acre Feet Per Annum.

9. Non-irrigation uses:
S/6 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	17E	11	SE	SE		IRR	3.1
Section Acres							3.1
Total Acres							3.1

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

BIG WOOD CANAL CO. SHARES; SHARES RARELY REACH THE PROPERTY.

14. Remarks:

LAND IS BEING PURCHASED UNDER AN ESCROW AGREEMENT. LAND IS
ADJACENT TO JOHNNY'S COUNTRY STORE.

15. Basis of Claim: STATUTORY CLAIM

Water Right Number:

MICROFILMED
FEB 23 1993

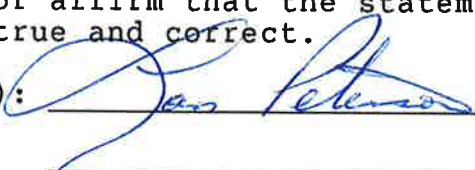
16. Signature(s)

(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 X 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: 4-14-88
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day

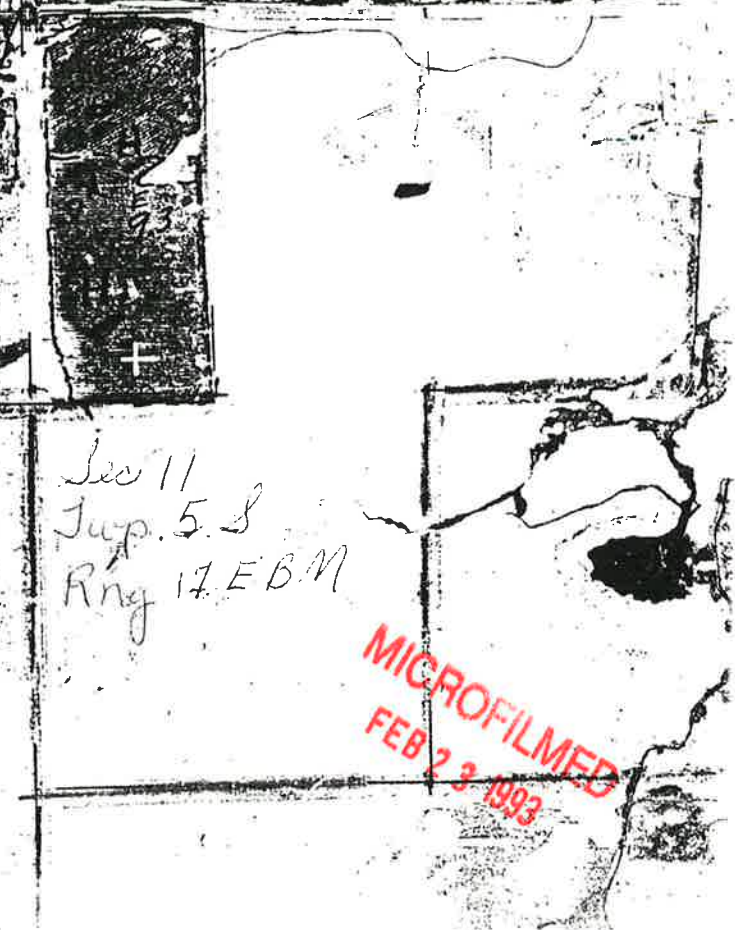
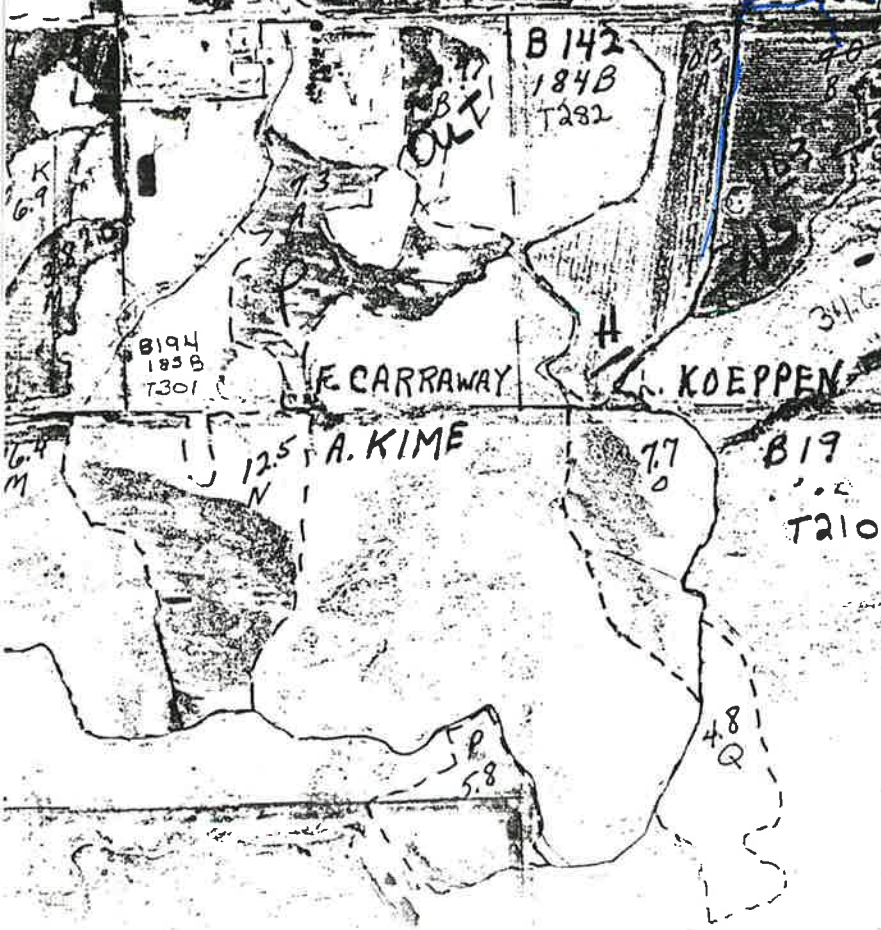
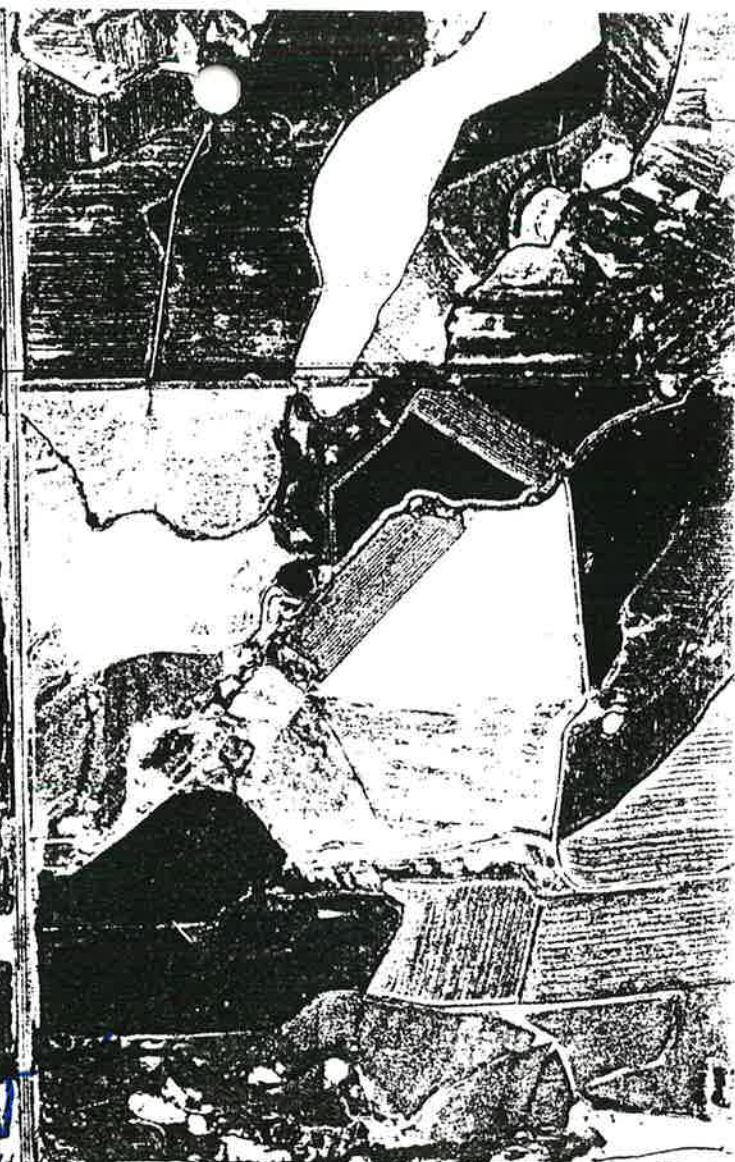
of April 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Coading, ID

My Commission Expires 10/16/1992



08/18/2003

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

RIGHT NUMBER: **37-4098**

NAME AND ADDRESS: LOIS L PETERSON
421 HWY 75
SHOSHONE ID 83352

SOURCE: WASTE WATER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 05/15/1950

POINT OF DIVERSION:

T05S R17E S11 SESESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	03/15 11/15	0.020 CFS
IRRIGATION	03/15 11/15	0.050 CFS

PLACE OF USE:

IRRIGATION Within LINCOLN County

T05S R17E S11 SESE 1.6

STOCKWATER same as IRRIGATION

1.6 ACRES TOTAL

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

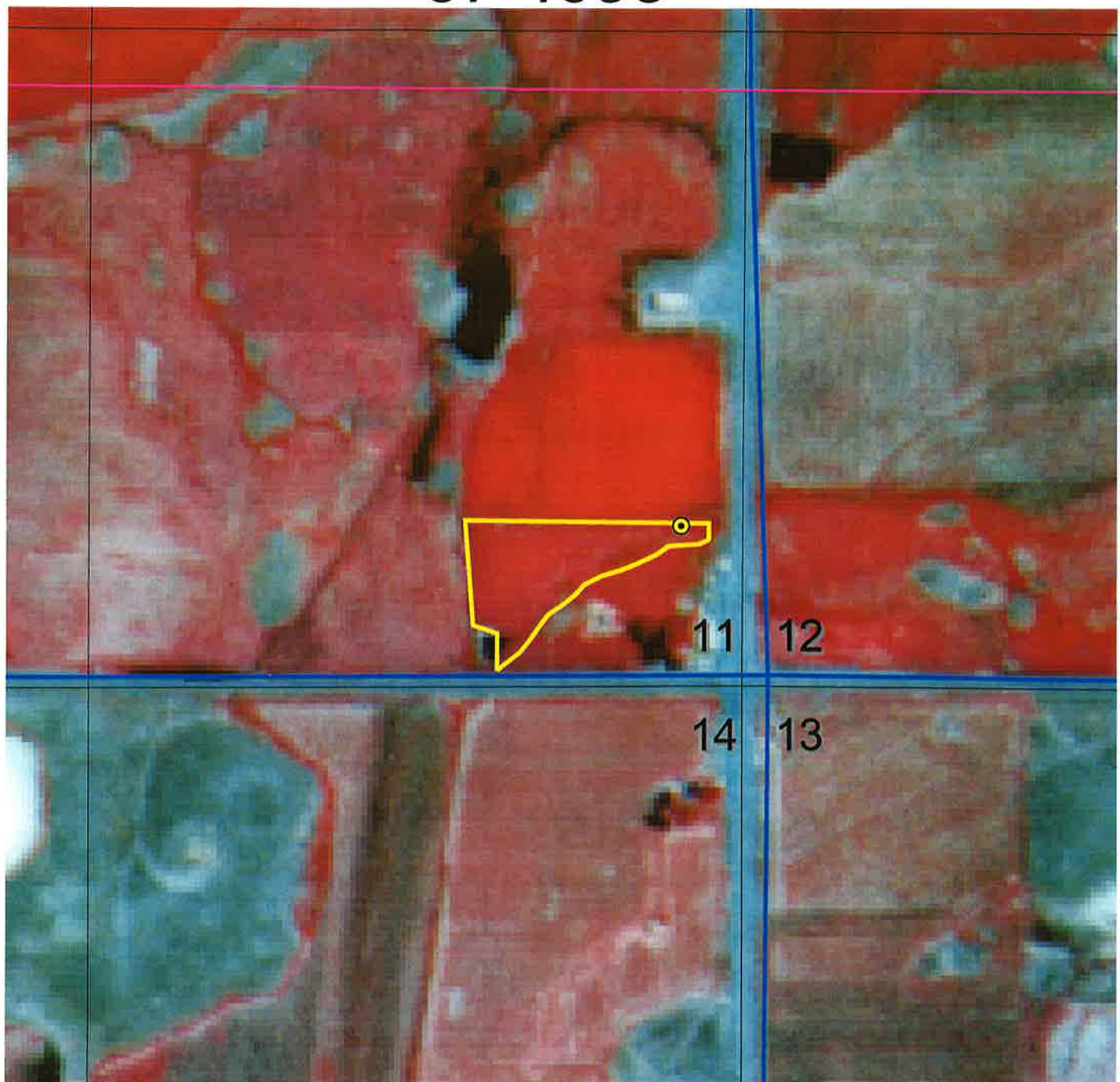
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

IDAHO DEPT OF WATER RESOURCES

37-4098



660 0 660 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 17E



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: AUGUST 18, 2003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-409	☒			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

*Death
Certificate*

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Farrell Peterson
Lois Peterson

4. New Owner/Claimant(s)

Lois Peterson

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

421 Highway 75

City, State and ZIP Code

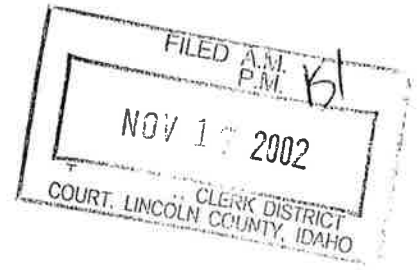
Shoshone, Idaho 83352

New Telephone Number

(208) 886-7504

5. Date you acquired the property

COPY



JOHN R. COLEMAN
Coleman, Ritchie & Robertson
Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, ID 83303-0525
Telephone: (208) 734-1224

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN
MAGISTRATE DIVISION

In the Matter of the Estate of,

FARRELL JOHN PETERSON,

Deceased.

Case No. SP-92-00004

ORDER OF SETTLEMENT AND DECREE
OF DISTRIBUTION

The petition of Lois Peterson, the Personal Representative of the Estate of Farrell John Peterson, deceased, for settlement and distribution having come before the Court for consideration, the Court makes the following findings:

1. Farrell John Peterson died intestate on January 17, 1992. Petitioner is the duly appointed, qualified and acting Personal Representative of the decedent's estate.
2. Petitioner has filed a true inventory and an appraisal of all property of the estate known to petitioner.

3. Two of the three children of the decedent, by a prior marriage, filed an objection to the inventory claiming there were many of the assets listed as community property that were the separate property of the decedent. The only items that were separate property of the decedent were some of the guns listed as items 38 and 29 on the Inventory. Petitioner and all of the children of the decedent by his prior marriage have settled the objection by petitioner giving all of the guns to the children of decedent by his prior marriage.

4. Petitioner has published notice to creditors of the decedent as provided by the statutes and has filed proof of publication of such notice. The time for presenting claims that arose prior to the death of the decedent has expired.

5. All debts of the decedent and of the estate, and all expenses of administration thus far incurred, and all taxes that have attached to or accrued against the estate have been paid.

6. The estate is in a condition to be closed, and petitioner as sole beneficiary of the Estate has waived the filing of a final account.

7 The decedent died intestate leaving the petitioner as his surviving wife. All of the remaining property is the community property of the decedent and his surviving spouse, Lois Peterson, the petitioner herein, and the Petitioner as surviving spouse is entitled to have all of the said property of the decedent distributed to her.

It is hereby Ordered, Adjudged and Decreed as follows:

1. The Petition for Settlement and Distribution of an intestate Estate by Personal Representative is allowed and settled.

2. The distribution of the estate of the decedent remaining in the hands of the

petitioner, and any other property of the decedent or the estate not now known or discovered, be distributed and transferred to Lois Peterson, the surviving wife of the decedent.

3. The Personal Representative be discharged.

DATED this 14 day of November, 2002.

MARK A. INGRAM
MAGISTRATE JUDGE

6/4/03
GCC

37-4098 PETERSON

37-4098 A URRUTIA - DISALLOWED this claim.

(no 'B' part claimed)

appears to be competing claims for the same POA behind the Johnny's Country Store. Tax lot data shows ^{LOIS} Peterson as the current owner.

Proof submitted: somewhat vague on the date but it does sway to support the claim.

Allow claimed date 5-15-1950

Need COO to ~~removed~~ deceased claimant from Record.
Contact to Lois P. and request documents.

8-14-03 EXAM w/ LOIS PETERSON

9am

flow rate in ditch is typical of WW systems of variable flow rates.

WW is used on the North side while live water

BWCC is used on the South side.

Pond is for stock water.

GIS pou acres = 1.60 Acres irrigated from WW.

$$Q = \overset{.03}{.02} \text{ cfs/Ac} \times 1.60 = .048 = \underline{\underline{.05 \text{ cfs}}}$$



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

RECEIVED

JUN 11 2003

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-4098
FARRELL J PETERSON
RT 1 BOX 90
SHOSHONE ID 83352

} Deceased 1-17-1992
May 20, 2003

Steve or Carter

37-4098
LOIS L PETERSON
421 HWY 75
SHOSHONE ID 83352

-886-7504



Re: Evidence of Priority Date for SRBA Claim

Dear Claimant:

The Notice of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures

6-10-03
Letter Attached to verify water usage
Please Advise if I need to do any additional
Footwork for Proof of water Usage. Lois Peterson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4098

WATER RIGHT NUMBER: 37-4098

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FARRELL J PETERSON RT 1 BOX 90 SHOSHONE, ID 83352 (208)886-7504
Current Owner	LOIS L PETERSON 421 HWY 75 SHOSHONE, ID 83352 (208)886-7504

Priority Date: 05/15/1950

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	5/01 to 10/15	0.020 CFS	
IRRIGATION	5/01 to 10/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	9.30 AF

Location of Point(s) of Diversion

WASTE WATER	SE1/4SE1/4	Sec. 11, Twp 05S, Rge 17E, B.M.
LINCOLN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	11																	3.1
																		3.1	

Total Acres: 3.1

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General LAND IS BEING PURCHASED UNDER AN ESCROW AGREEMENT. LAND IS ADJACENT TO JOHNNY'S COUNTRY STORE.

Comments:

Escrow Paid in Full
No Mortgage or Escrow - Paid approximately
8 years Ago Paid In Full June 1995

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4098

Dates and Other Information:

Claim Received Date: 4/14/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

June 9, 2003

This advisory is directed to the Idaho Water Resource Board and it regards the waste water use on Lois Peterson's property located at 421 North Highway 75 in Shoshone, Idaho.

My name is Mary Koeppen and I have resided in the Shoshone area for some 60 plus years principally in the area of concern. My father lived adjacent to Lois's property and I assisted him in farm activities most of my life.

Regarding the use of the waste water on Lois's property, I can state without doubt that the waste water coming onto Lois's property was ditched and directed to her field at or near the time of origination of water irrigation from the Magic Reservoir. I am not certain of the year of origination for the Magic water but I would approximate this useage somewhere in the 1920's or 1930's.

For your purposes, as to what I have personally witnessed, I can verify that the waste water was directed onto and was irrigated on Lois's property in the early 1950's. By my signature below I am stating that to the best of my knowledge the above is a truthful and meaningful statement to satisfy your request.

Signed:

Mary Koeppen
Mary Koeppen

Date

6/9/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-4098
FARRELL J PETERSON
RT 1 BOX 90
SHOSHONE ID 83352

May 20, 2003

37-4098
LOIS L PETERSON
421 HWY 75
SHOSHONE ID 83352

RESPONSE DEADLINE
JUNE 20, 2003

Re: Evidence of Priority Date for SRBA Claim

Dear Claimant:

The Notice of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

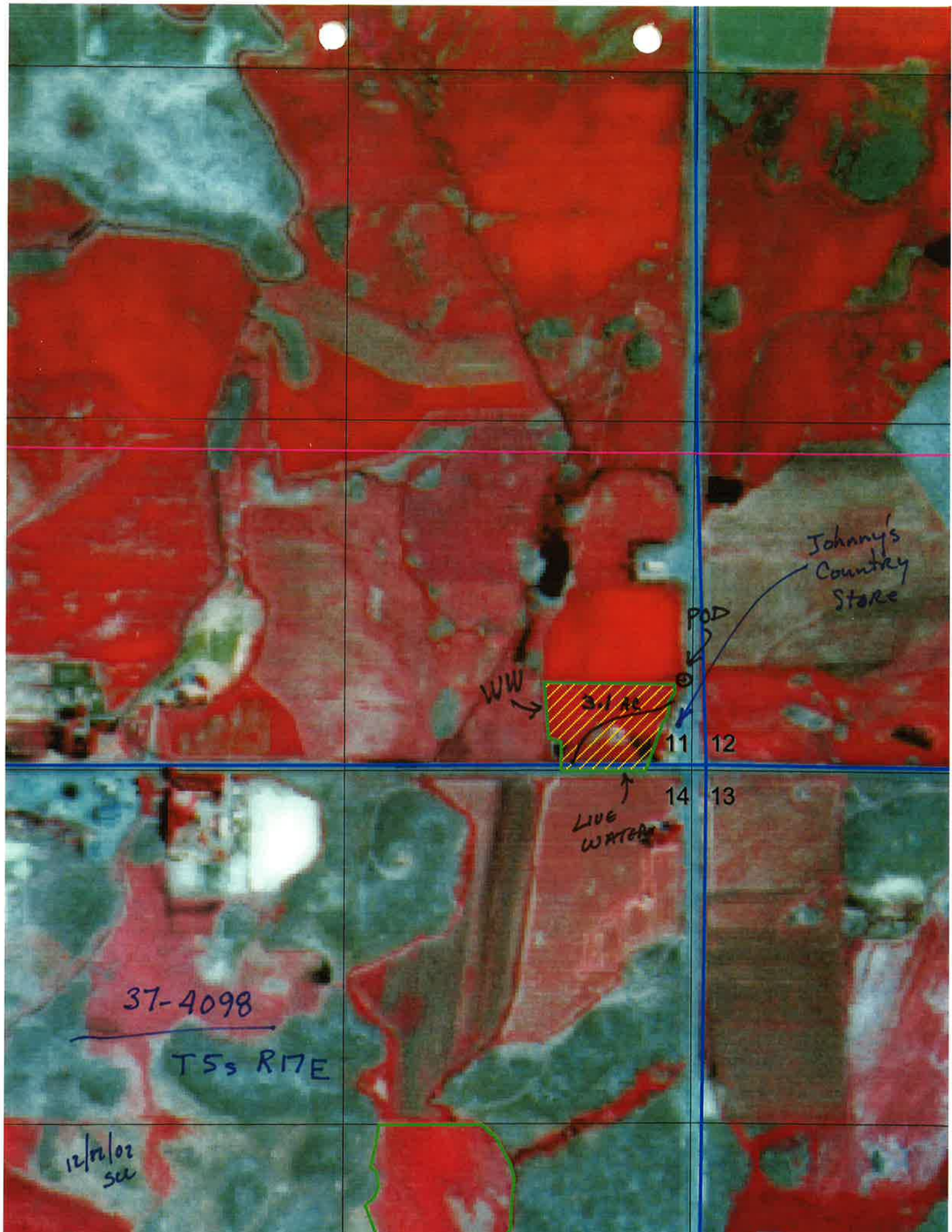
PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4098WATER RIGHT NUMBER: **37-4098**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN J URRUTIA RT 1 BOX 17 SHOSHONE, ID 83352

Priority Date: 05/15/1950
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	10/01	1.000 CFS	
STOCKWATER	5/01	10/01	0.020 CFS	
	<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	SE1/4SE1/4	Sec. 11, Twp 05S, Rge 17E, B.M.
LINCOLN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05S	17E	11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	3.0
																			3.0

Total Acres: 3

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General AC. IRR. = 3.1,

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4098

Dates and Other Information:

Licensed Date:
Decreed Date:
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: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False