

**T3221 PETERSON**

Transfer No. 3221Water Right No. 74-0345

RECEIVED

JAN 23 1986

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources  
Eastern District Office

## APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

TO Change the Point of Diversion and/or the Place of Use

Name of applicant Donald O. Peterson Phone 768-2462Post Office address P.O. Box 144, Leadore Id. 83464

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. 74-0345 Decreed to Donald O. and/or Billie Peterson  
(Name)  
in case of Determination of Surface Water Rights - Lemhi River Basin  
dated in December 30, 1982 in Seventh Judicial District county of Lemhi  
(Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired \_\_\_\_\_

3. Source of water Big Eightmile Creek tributary to Lemhi River4. Date of priority December 6, 1909

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

amount 7.04 cfs for Irrigation purposes from 3-15 to 11-15  
4/1 11/1

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 7.04 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 28  
Township 16 N Range 25 E, B.M., in Lemhi County  
Additional points of diversion, if any \_\_\_\_\_

## 8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 16 N | 25 E  | 26   | 40               |                  | 40               | 40               |                  |                  | 40               | 40               | 40               |                  |                  |                  | 32               | 39               |                  |                  | 311    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 3119. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_
3. Place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated \_\_\_\_\_

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 7.04 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works Headgate to ditch for flood irrigation
- c. Describe the reasons for the proposed changes Change in place of use for DLE Lands

2. Change in point of diversion No Change

Point of diversion SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 28 Township 16N  
Range 2SE, B.M., Lemhi County  
Additional points \_\_\_\_\_

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
Land will continue to be used for pasture without irrigation; however, Irrigation of DLE Lands (S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec 26) will raise the sub water on the N $\frac{1}{2}$  SE $\frac{1}{4}$  Sec 26.

[illegible]

EIGHTMILE RIVER  
 BIG  
 POINT OF DIVERGENCE  
 PLACE OF USE  
 R2SE T16N  
 21 22 23  
 28 33 34

SCALE: ~~2 inches equal 1 mile~~. Draw plan in ink.

D. REMARKS

This application is being made conditionally on approval by BLM  
of DLE application. DLE I-21563

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement  
in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Donald O. Petersen  
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of Oct., 19 85

Clara E. Ellis  
(Notary Public)

My commission expires May 1986

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-0345  
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the  
Department shall be permanently installed and maintained as part of the diverting  
works.
2. Use of water under this right is subject to control by the watermaster  
of State Water District No. 74Z, Big Eightmile & Lee Creeks.

Witness my hand this 20<sup>th</sup> day of January, 19 86

J. Glen Saxton  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

|                                                         |                                        |                        |
|---------------------------------------------------------|----------------------------------------|------------------------|
| Received by <u>QW</u>                                   | Date <u>10-08-85</u>                   | Protest filed by _____ |
| Prelim. check by <u>HLWJ</u>                            | Fee <u>\$150.00</u>                    | _____                  |
| Receipted by <u>MD</u>                                  | Date <u>10/10/85</u> # <u>35511</u>    | _____                  |
| Published in <u>THE RECORDER-HERALD, Salmon</u>         | Copies of protest forwarded by _____   |                        |
| Pub. dates <u>Oct 24 + 31, 1985</u>                     | Hearing held by _____ Date _____       |                        |
| Watermaster recommendation requested on <u>10-17-85</u> | Recommended for <u>approval</u> denial |                        |
| <u>WD 74-Z</u> rec'd. <u>1-07-86</u>                    | by <u>RDC Sim</u>                      |                        |