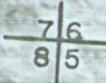


13



by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

DATE 12-63

ACRES 700

STATE

PHOTO No. 19 W 62

APPROXIMATE

9004-100 PORTLAND, MASS. 01801

T-207

Westerns, Inc.

29-267

34-350

Frac., of lots 1, 14 of
Sections 6 & 7, Twp 12
N. R. 19 E.B.M.

45.79 Acres

All of lots 1 & 14 of Sections 6 & 7, Twp 12 N. R. 19 E.B.M. except
.21 acres deeded for Highway purposes.

RECEIVED

JUL 24 1981

Department of Water Resources
Southern District Office

RECEIVED

MAR 03 1988

34-550

Washington Inc.

From Don E. Peterson, et al

Acres

9/9/81

SE 1/4

SW 1/4 Sec 12, Twp 12 N. R. 18 E. B.M.

16.0

N 1/2

NE 1/4 Sec 24, " "

40

Lot 14 Sec 6, Twp 12 N. R. 19 E. B.M.

5.35

NE 1/4 Lot 1 Sec 7, Twp 12 N. R. 19 E. B.M.

46.00

Lot 4 Sec 7, " "

23.17

NE 1/4

"

40.03

Lot 7 " "

42.44

Lot 10 " "

52.96

Lot 5 8x10 Sec 18 " "

81.64

Lot 2 Sec 19 " "

42.87

Washington Inc.

from Don E. Peterson

9/9/81

SE 1/4, SW 1/4, NE 1/4, Sec 12, Twp 12 N. R. 18 E. B.M.

16.0 acres - Patented 3/9/83 to Wilson's.

Owner:

NE 1/4, Sec 24, Twp 12 N. R. 18 E. B.M. Lots 8x10

Sec 18, + Lot 2 of Sec 19 E. B.M. 169.51 acres

Patented 10/28/19 to James B. C. C.

Lots 4 7 9 10, NE 1/4, Sec 7, Twp 12 N. R. 19 E. B.M.

159.57 Acres Patented 5/29/15 to Ellen Farnen

Lot 14, Sec 6 & Lot 1, Sec 7, Twp 12 N. R. 19 E. B.M.

51.35 Acres Patented 9/18/24 to heirs of Louis Gumpelberger

MICROFILMED

MAR 03 1988

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JUL 31 1981

Department of Water Resources

AFFIDAVIT

Fred Leuzinger
Frank Maraffio
 I, Louie Thompson, am familiar with

the use of 6.0 cfs of water from the Salmon River

diverted in Lt#6, Sec 7 Twp 12N Rge 19E used upon

LSA-414 2A-Lot 15 Sec 6, 22A-Lot 1, 2-SA NWNE Sec 7 since 1932
Twp 12N Rge 19E

DATED: July 23, 1981

Louie Thompson
Frank Maraffio
Fred Leuzinger

STATE OF IDAHO)

: ss.

County of)

On this 23rd day of July, 1981, before me, the undersigned, a Notary Public, in and for said State personally appeared Louie Thompson, Frank Maraffio, Fred Leuzinger known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Margie Brown
 Notary Public for Idaho
 Residing at Clayton
 My Commission Expires Nov. 24, 1982

RECORDED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

MAY 11, 1981

WESTERNER'S INC.
C/O CLARENCE E. PETERSEN
585 W. 33RD SOUTH
SALT LAKE CITY UT 84115

RE: Claim No. 72-4076

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED
MAR 11 1981

Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Westerner's Inc. c/o Clarence E. Petersen

(Name of Claimant)

585 West 33rd South St., Salt Lake City, Utah 84115 Telephone No. 801-262-4515

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Salmon River tributary to Snake River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)		
Quantity <u>6.0</u>		Use <u>irrigation</u>		Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>		
Quantity _____		Use _____		Period of Use From _____	To _____		
Quantity _____		Use _____		Period of Use From _____	To _____		
Quantity _____		Use _____		Period of Use From _____	To _____		
Quantity _____		Use _____		Period of Use From _____	To _____		

- (4) 6.0 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

1/4 Lt 6 1/4 Sec. 7 Twp. 12N Rge. 19E B.M., County of Custer

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Wing Dam in river, ditch to place of use

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	18E	6											1.5				2.15		3.5
12N	18E	7		2.5															24.5

No. of acres 28

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

MAR 03 1988

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions,

ou
Carter

SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the

day of

446

March

61

(Claimant)

James O'Brien

Residing at

28/12/82

MAR 03 1988

Forwarded to
claimant by:

Date _____

Date 3-12-81

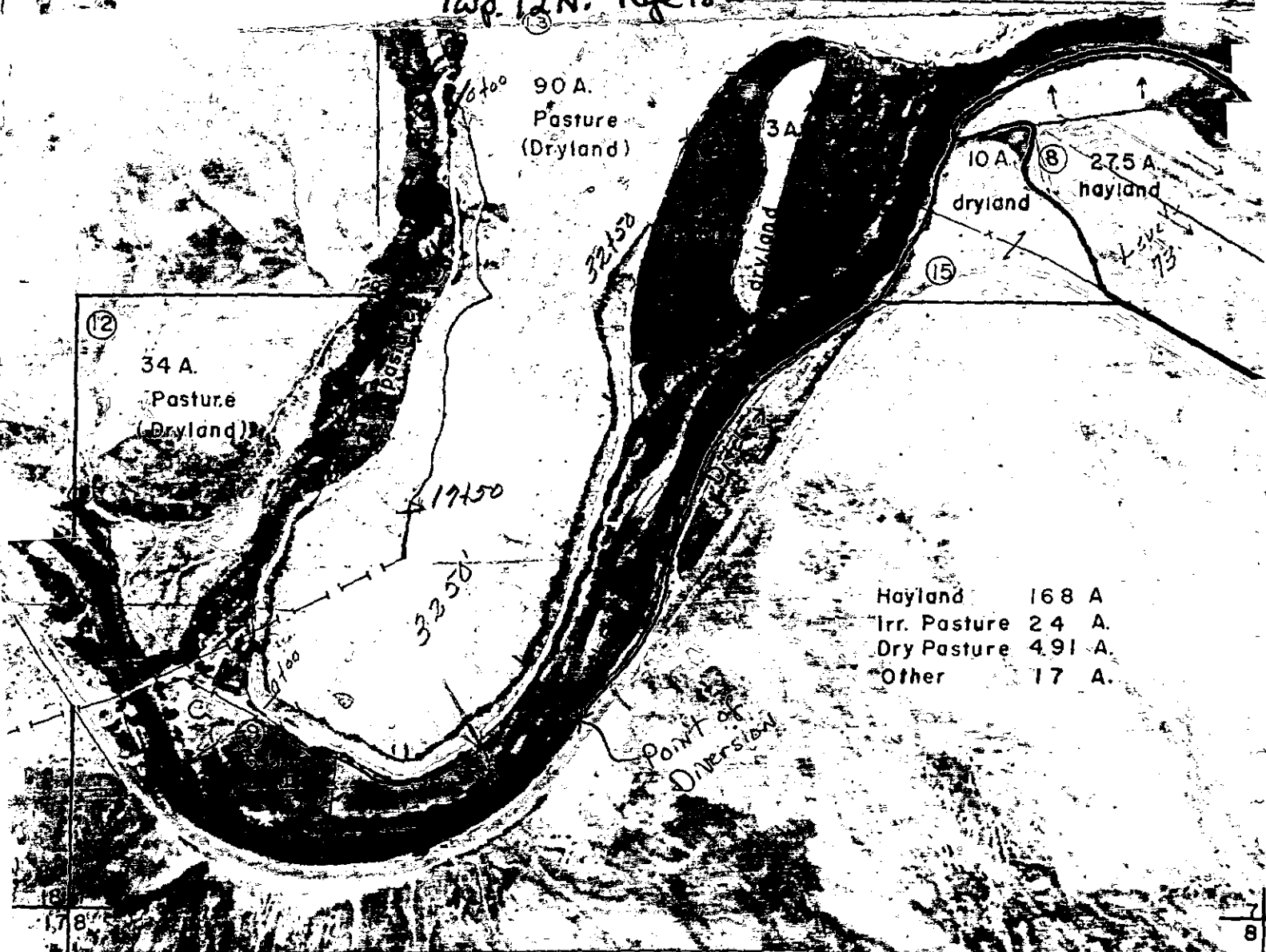
Date 11-3-73

Date 11/8/88

۱۰

Dates

Twp. 12 N. Rge 18 E



SOIL and CAPABILITY MAP

by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

CUSTER S. C. D.

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

FARM No. 88 DATE 12-63

SCALE 660 ACRES 700

IDAHO

STATE

PHOTO No. 19 W 62

PROXIMATE

PHOTOGRAPHED BY A. E. H. 1963

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated MAY 21
1981 and ending with the issued
dated MAY 28 1981

Margaret Parks
Subscribed and sworn to before
me this 1 day of June
1981

James M. James
Notary Public, residing at Challis,
Idaho. My commission expires on

4-30-83

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the
following claim(s) to a water
right(s) have been established by
diversion and application to
beneficial use:

72-4076

WESTERNER'S INC.

C/O CLARENCE E. PETER-
SEN, 585 W. 33RD SOUTH,
SALT LAKE CITY, UT 84115

Source: SALMON RIVER
tributary to SNAKE RIVER.

Priority Date: 04/01/1930.

Amount: 6.00 CFS.

Diversion Point: LOT 06
(SESW) Sec 07 T 12N R 19E,
CUSTER Co.

Use: IRRIGATION (6.00
CFS) from 04/01 to 11/01

Place of Use: LOT 14 (SWSW)
LOT 15 (SWSE) Sec 06 T 12N R
18E NWNE; LOT 01 (NENW)
Sec 07 T 12N R 18E FC 28
ACRES.

Diversion Means: DITCH

RECEIVED

JUN 4 1981

Department of Water Resources
Southern District Office

RECEIVED

MAR 03 1988

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I. MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated APR 30
1981 and ending with the issued
dated MAY 7 1981.

Margaret Parks
Subscribed and sworn to before
me this 11 day of May
1981.

Charles M. James
Notary Public, residing at Challis,
Idaho. My commission expires on
4-30-83

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the
following application(s) have
been submitted for permit to
appropriate the public waters of
the State of Idaho.

72-4076

WESTERNER'S INC.
C/O CLARENCE E.
PETERSEN, 585 W. 33RD
SOUTH, SALT LAKE CITY,
UT 84115

Source: SALMON RIVER
tributary to SNAKE RIVER
Priority Date: 04/01/1930
Amount: 6.00 CFS
Diversion Point: LOT 06
(SESW) Sec 07 T 12N R 19E,
CUSTER Co.

Use: IRRIGATION (6.00
CFS) from 04/01 to 11/01
Place of Use: LOT 14 (SWSW),
LOT 15 (SWSE) Sec 06 T 12N R
18E NWNE; LOT 01 (NENW)
Sec 07 T 12N R 18E FOR 28
ACRES

Diversion Means: DAM &
DITCH

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of
any permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources, 1041
Blue Lakes Blvd. North, Twin
Falls, Idaho 83301 and received
on or before MAY 18, 1981.

A. KENNETH DUNN
Director
Pub. 4/30 & 5/7/81

of Mary

RECEIVED

MAY 18 1981

Department of Water Resources
Southern District Office

FILED
MAY 03 1981

*off. sent for
claim*



NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim (s) to a water right (s) have been established by diversion and application to beneficial use:

I2-4026-

WESTERNER'S INC.

C/O CLARENCE E., PETERSEN, 585 W. 33RD SOUTH, SALT LAKE CITY, UT 84115

Source: SALMON RIVER tributary to SNAKE RIVER

Priority Date: 04/01/1930

Amount: 6.00 CFS

Diversion Point: LOT 06 (SESW) Sec 07 T 12N R 13E. CUSTER Co.

Use: IRRIGATION (6.00 CFS) from 04/01 to 11/01

Place of Use: LOT 14 (SWSW) LOT 15 (SWSE) Sec 06 T 12N R 13E NINE
LOT 01 (NENW) Sec 07 T 12N R 13E FOR 28 ACRES

Diversion Means: DAM & DITCH

the Director of the Idaho Department of Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho 83301

A. KENNETH DUNN
Director

Published May 21 and May 28, 1981

RECORDED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

May 8, 1981

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MAY 18, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED

MAR 03 1988

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

72-4026-

WESTERNER'S INC.

C/O CLARENCE E. PETERSEN, 585 W. 33RD SOUTH, SALT LAKE CITY, UT 84115

Source: SALMON RIVER tributary to SNAKE RIVER

Priority Date: 04/01/1930

Amount: 6.00 CFS

Diversion Point: LOT 06 (SESW) Sec 07 T 12N R 19E, CUSTER Co.

Use: IRRIGATION (6.00 CFS) from 04/01 to 11/01

Place of Use: LOT 14 (SWSW) LOT 15 (SWSE) Sec 06 T 12N R 18E NNW
LOT 01 (NENW) Sec 07 T 12N R 18E FOR 28 ACRES

Diversion Means: DAM & DITCH

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 18, 1981.

R. KENNETH DUNN

Director

Published 4/30 & 5/7/81.

MICROFILMED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 14, 1981

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 18, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

MAR 03 1988

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. F. Stanton

Right Number 72- Applicant WESTERNERS, INC.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
 - ☒ Claim published correctly.
 - ☒ Exceptions processed. None
- By Loren O. Palmer Date 5/5/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.
- By W. H. H. H. H. Date 6/24/81