

Petersen Claim

1314

-R

Sec. 2 T. 5S., R. 16E., B. M.

Lands Irrigated

Pump

Ditch Div.

700 Creek

MICROFILMED

FEB 26 1988

E. PEAK

J. G. T. H. S.

"NOT TO SCALE"

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 27 day of aug., 1981, and the date of the last publication was on the 3 day of Sept., 1981.

Melba Thorne
Subscribed and sworn to before me this 3 day of September, 1981.
(SEAL)

Mary Ann Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

MICROFILMED

Number of Lines in Notice FEB 26 1988
Number of Insertions
Lines tabular at 315c
40 Lines straight at 21c 15.60
40 Subsequent lines at 15c 10.40
TOTAL COST 26.00

COPY OF NOTICE

(Paste Here)

Notice claim water rights
TITLE OF NOTICE
32-4187
P. Peterson
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

NOTICE OF CLAIMS TO WATER RIGHTS

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

37-4187

PETERSON, FARRELL J. &/or LOIS L.

RT. 1 BOX 90, SHOSHONE, ID 83352

Source: UNNAMED STREAM (700 CREEK) tributary to BIG WOOD RIVER

Priority Date: 04/01/1941

Amount: 3.00 CFS

Diversion Point: SWNE NWSE Sec 02 T 05S R 16E, LINCOLN Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to 11/01

STOCKWATER (0.03 CFS) from 01/01 to 12/31

Place of Use: SWNE NWSE Sec 02 T 05S R 16E FOR 30 ACRES

Diversion Means: PUMP, DITCHES, CHECK DAM

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

/s/ A. KENNETH DUNN

Director

PUB: 8-27, 9-3, 1981

7 pt. per line, successive
insertions 15c

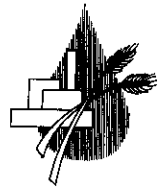
NO 3459

SEP 8 1981

Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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 Farrell J. Peterson &/or Lois L. Peterson
Rt. 1, Box 90, Shoshone, Idaho (Name of Claimant) 83352 Telephone No. 886-2691
(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) April 1, 1941

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)
700 Creek tributary to Big Wood 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.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>3.00 cfs</u>	Use	<u>Irrig.</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity	<u>0.03 cfs</u>	Use	<u>Stock</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 3.00 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

Pump → (5) A) Point of diversion: (Location of point where water is diverted from its source)
Ditch → SW ¼ NE ¼, Sec. 2 Twp. 5S. Rge. 16E. B.M., County of Lincoln

Additional points of diversion:
NW ¼ SE ¼ Sec. 2, T.5S., R.16E., B.M.

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.
7 1/2 H.P. Pump delivering to gravity ditches
Check dam delivering to gravity ditch.

(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.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>5S.</u>	<u>16E.</u>	<u>2</u>			<u>15</u>											<u>15</u>			<u>30</u>

No. of acres 30

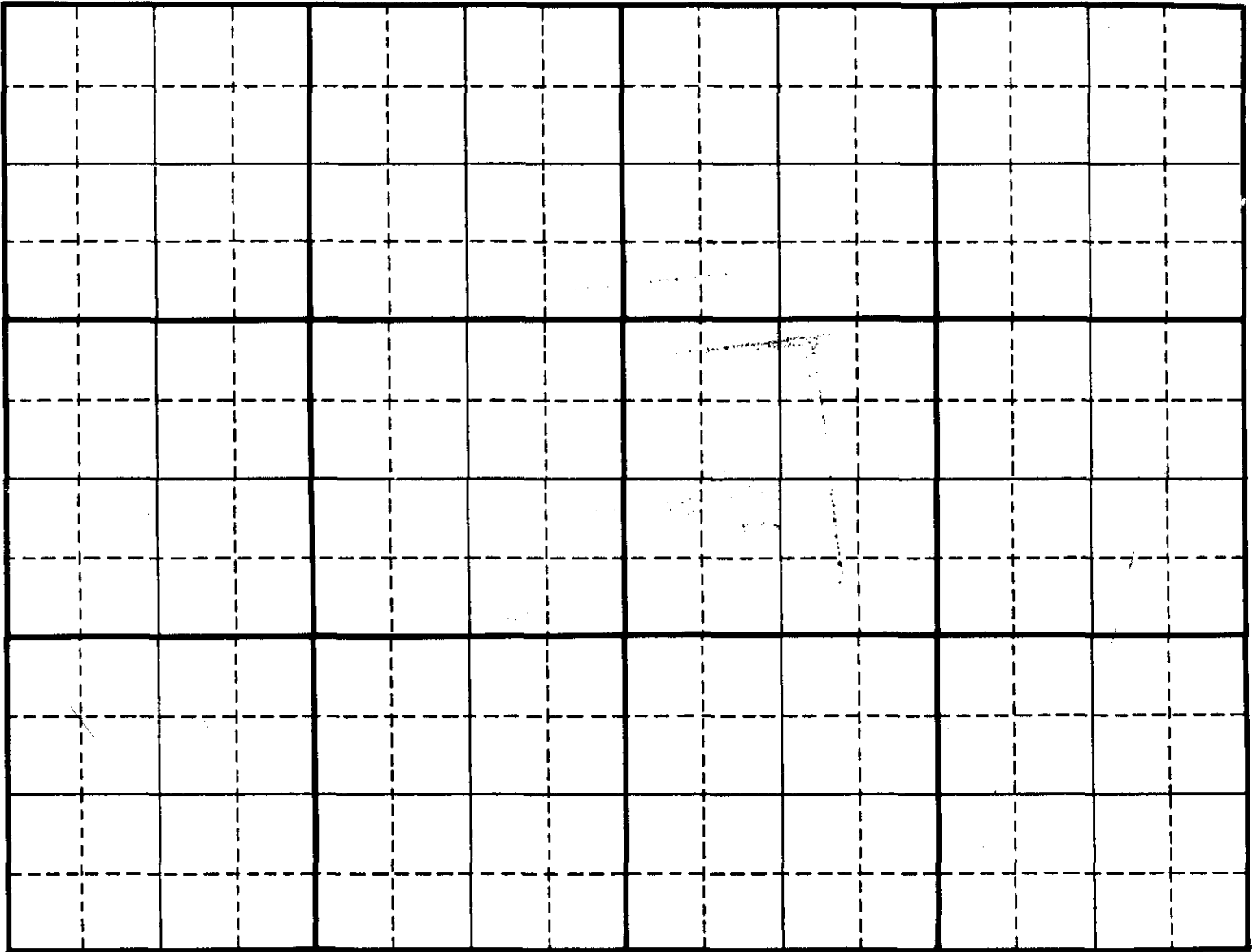
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Cattle drink from ditches & creek.

NOTE: Include here the number of head of stock watered: 100 Hd. Range Cattle

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

FEB 26 1988

(8) Remarks See attached Ditch & Water Agreement about
water use of 700 Creek. This claim records a
portion of the use of the second parties referred to
in the agreement.



Scale: 2 inches equal 1 mile.

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.

State of Idaho)
County of Twin Falls) 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 affiant's knowledge.

Paul J. Peterson
(Claimant)

Sworn to before me this 19 day of August, 19 81.

MICROFILMED

Mary A. Rice
Notary Public
Residing at Twin Falls, id 83301

My commission expires life FEB 26 1988

FOR DEPARTMENT USE ONLY

Received by ADM Date 8/19/81 Exception filed by: _____ Date _____
Prelim. check by TGB Date 8/19/81
\$20.00 fee received by Mary A. Rice Date 8/19/81 #18128
Published in Glendale County Journal
Dates 8/27 + 9/3/81

13 14

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and General Sales Manager, and authorized to execute on behalf of the Richfield Oil Corporation and acknowledge the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 19____, and year in this certificate is so above written.

(N.P. SEAL)

WILLIAM C. SMITH
Notary Public in and for the State of Idaho
My Comm. Expires _____
My Comm. No. _____

Recorded at the request of Security Title Company, of the _____

Geraldine Devaney, Deputy

Fee: \$3.50

DPCC

#108092

DITCH AND WATER AGREEMENT

THIS AGREEMENT, made between D. Sid Smith and Alta G. Smith, his wife, and Ross Boyd and Marguerite Boyd, his wife, first parties; Max Boesiger and Ruth H. Boesiger, his wife, and Mary Boesiger, a widow, second parties; and William G. Tows and Mary Tows, his wife, Lawrence Z. Tows and Elizabeth Tows, his wife; Clarence R. Tows, a bachelor; Marguerite Tows, a spinster; Dean B. Cox and Beatrice J. Cox, his wife; D. D. Velasquez and Josephine Velasquez, his wife; third parties, for the purpose of effecting a mutual understanding and agreement between the contracting parties relative to ditch and water rights in Coulee 700 and the water flowing therein, which Coulee empties into Big Lost River in the approximate southwest corner of Section Eleven (11), Township Five (5) South, Range Sixteen (16) E.B.M., Lincoln County, Idaho, and for the purpose of compromising and settling the controversy involved in the case of Smith vs. Lowry, #3345, now pending in the District Court of Lincoln County, Idaho,

IT IS HEREBY MUTUALLY UNDERSTOOD AND AGREED:

1. First Parties, D. Sid Smith and Alta G. Smith, are the owners of the following described lands situate in Lincoln County, Idaho, which are irrigated in part from the water of said coulee:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10) South Half of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Southwest Quarter (SW $\frac{1}{4}$) and the West Half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eleven (11); the Northwest quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section Fourteen (14); and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$) of Section Fifteen (15), all in Township Five (5) South, Range Sixteen (16) E.B.M.

First parties, Ross Boyd and Marguerite Boyd, his wife, are the owners of:

The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Eleven (11), Township Five (5) South, Range Sixteen (16) E.B.M.,

which is irrigated in part from the waters of said coulee.

2. Second parties, Mary Boesiger, a widow, and Max Boesiger and Ruth H. Boesiger, his wife, are the owners of:

The Southwest Quarter (SW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M., which lands are irrigated in part from the waters of said Coulee 700.

3. Third parties are the owners of the following lands which are irrigated in part from the waters of said coulee:

(a) William G. Tows and Mary Tows, his wife, Lawrence Z. Tows and Elizabeth Tows, his wife, Clarence R. Tows, a bachelor, and Marguerite Tows, a spinster, owners of the following:

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FEB 26 1988

(b) Dean H. Cox and Catherine J. Cox, his wife, owners of [redacted]

(c) D. D. Velasquez and Josephine Velasquez, his wife, owners of the following:

4. Each and all of the parties also utilize waters from said ~~canal~~ for domestic and stock water purposes on their respective lands.

5. It is understood and agreed:

(a) That D. D. Velasquez and Josephine Velasquez, his wife, shall have the right to continue diverting water from said source in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said source in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said source.

(b) That William G. Tows and Mary Tows, his wife, Lawrence E. Tows and Elizabeth Tows, his wife, Clarence R. Tows, a bachelor, and Marguerite Tows, a spinster, shall have the right to continue diverting water from said coulee in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes therein, that they have heretofore diverted. They agree that the waste and return flow from said diversions shall continue to return to said coulee in the future as the waste flow in the past, and they agree that no increased acreage will be irrigated by them from said coulee.

(c) That Deas E. Cox and Beatrice J. Cox, his wife, shall have the right to divert the water from said coulee in the amount and for the time and for the purpose of irrigating the lands, including domestic and stockwater purposes therein, that are owned by them, and the water so diverted. They agree that the waste and return flow from said lands shall be allowed to return to said coulee in the future as the same may be required and as long as there is no increased acreage will be irrigated by them from said coulee.

6. It is understood and agreed that pursuant hereto said parties shall have the right to construct, pump and diverting water from said source for pumping and diverting water from said source for irrigation of the lands lying east of said source for the purpose of said parties.

RECEIVED
FEB 26 1988

of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Two (2) for diverting water for domestic purposes and stock water to the same extent and in the same manner heretofore enjoyed by them. They agree that the said and return flow from said ditches shall continue to return to said Coulee 700 in the future as the same have in the past, and they agree that no increased acreage shall be irrigated through said diversion and pumps.

7. The remainder of the waters in said coulee 700 shall be owned and divided equally by first parties and second parties, one-half thereof by first parties and one-half by second parties. Such waters shall be diverted at the diversion point on said coulee where second parties have heretofore been diverting their water from said coulee, the same being a check or dividing box which is located in the approximate center of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M. There shall be operated and maintained at said point a two-way diversion box so constructed and maintained as to divert one-half the flow of said coulee at said point westerly into the ditch of second parties, and to permit one-half the flow of the said coulee at such point to continue flowing in said coulee 700 for the use and benefit of first parties and their lands.

8. First parties and second parties will share equally in the cost of constructing, maintaining and operating said diversion box and check, and the same shall be maintained and operated in such manner as to at all times and under all conditions, so far as reasonably possible, divert the flow at such point equally between first parties and second parties, so that each shall have a continuous flow of his share of such water for irrigation, domestic and stock water purposes. All other contracting parties shall individually maintain and keep in repair their respective diversion works. All general expenses and costs of cleaning, repairing and keeping in condition the coulee proper, as distinguished from the diversion works, will be paid by the parties to this contract on a pro rata basis.

9. All water rights enjoyed by the contracting parties in and to the water of said coulee, as well as all ditch rights and rights of way in said coulee, shall have and enjoy the same priority, so that no person to this contract shall have or own any prior right to any other user from the coulee;

10. It is further understood and agreed that the contracting parties shall endeavor to operate said coulee and diversion works without the necessity of a ditch rider or watermaster, but in the event of disagreements or the inability of the parties to operate in this manner and it becomes necessary and advisable to employ a ditch rider or watermaster, then nothing in this contract shall prevent procedure being adopted for that purpose in the manner provided for by the laws of the State of Idaho.

11. Each of the contracting parties shall have the right to enter upon the lands and property of each of the other contracting parties at such reasonable times and to such reasonable extent as may be necessary to maintain the coulee and the diversion works thereon of the respective parties.

It is agreed that the several parties to this contract are individually entitled to receive water through their respective diversions at such times and in such amounts as may be reasonably necessary for the irrigating of their lands and for domestic and stock water purposes thereon.

The agreements herein contained shall constitute covenants running with the lands of the respective parties, and shall be binding upon the contracting parties and the successors in interest of the contracting parties.

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FEB 26 1988

When this contract was fully executed the case of Smith vs. Leary, mentioned in the first paragraph hereof, shall be dismissed without prejudice and without costs.

IN WITNESS WHEREOF, the contracting parties have hereto set their hands this 8th day of September, 1954.

ALTA G. SMITH, Deceased
By D. Sidney Smith
By William G. Smith
Executor

D. SID SMITH
D. Sid Smith
Alta G. Smith

ROSS BOYD
Ross Boyd
MARGUERITE BOYD
Marguerite Boyd

FIRST PARTIES
MAX A. BOESSIGER
Max Boessiger
RUTH H. BOESSIGER
Ruth H. Boessiger

MARY BOESSIGER
Mary Boessiger

SECOND PARTIES
WILLIAM C. TEWS
William C. Tews

MARY TEWS
Mary Tews
LAWRENCE E. TEWS
Lawrence E. Tews

ELIZABETH TEWS
Elizabeth Tews
CLARENCE E. TEWS
Clarence E. Tews

MARGUERITE TEWS
Marguerite Tews

DEAN B. COX
Dean B. Cox
BEATRICE J. COX
Beatrice J. Cox

DONALD B. VELASQUEZ
Donald B. Velasquez
D. B. VELASQUEZ

JOSEPHINE VELASQUEZ
Josephine Velasquez

THIRD PARTIES

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public for said State, personally appeared D. Sid Smith, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, this 8th day of September, 1954, and year in this certificate first above written.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 15th day of March, 1956, before me, Jack M. Murphy, a Notary Public for said State, personally appeared Ross Boyd and Marguerite Boyd, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, this 15th day of March, 1956, and year in this certificate first above written.

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FEB 26 1988

and year in this certificate first above written.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Elmore) ss

On this 28th day of June, 1956, before me, Branch Bird, a Notary Public in and for said State, personally appeared Max Boosiger and Ruth H. Boosiger, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

(N.P. SEAL)

BRANCH BIRD
Notary Public for the State of Idaho,
Residing at Gooding, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 9th day of December, 1955, before me, Howard E. Adkins, a Notary Public in and for said State, personally appeared Mary Boosiger, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

(N.P. SEAL)

HOWARD E. ADKINS
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 10th day of February, 1956, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elisabeth Tews, his wife, Clarence K. Tews, a bachelor, and Marguerite Tews, a spinster, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared Dean H. Cox and Beatrice J. Cox, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared B. D. Velasquez and Josephine Velasquez, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

MICROFILMED

FEB 26 1988

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on the 19th day and year in this certificate first above written.

(N.P. SEAL)

JAMES H. WILSON
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho

STATE OF IDAHO)
County of Gooding) ss

On this 19th day of June, 1936, before me Branch Bird a Notary Public for the State of Idaho, personally appeared D. Sidney Smith and William G. Heath, known to me as the persons whose names are subscribed to the within instrument as executors of the estate of Alta G. (Gooding) Smith, and acknowledged to me that they executed the same as such executors.

In Witness whereof I have hereunto set my hand and affixed my seal on the 19th day and year first above written.

(N.P. SEAL)

Branch Bird
Notary Public for the State of Idaho

Recorded at the request of Branch Bird, at 9:00 A.M. on July 2, 1936

Geraldine Devaney, Deputy

Lucille L. Kinsey, Recorder

Fee: \$6.50

410110

PROOF READ

STATE OF IDAHO
LAND SALE CERTIFICATE

How No. 18110

The State reserves the right to all coal, oil, shale, gas, phosphate, sodium and other mineral deposits contained in this land as required by Chapter 96 of the 1923 Session Laws.

This is to certify, that on the 10th day of October, 1924, the State of Idaho sold unto Bert Wyant, W #1, Richfield, Idaho, upon the terms and conditions hereinafter set forth, the following described State School lands, lying, situate and being in the County of Lincoln, State of Idaho SW 1/4 NW 1/4, Section 36, Twp. 3 S, Rg. 18 E.W.M., containing 40 a. Consideration Four Hundred and No/100 (\$400.00) Dollars to be paid as follows, to-wit: \$100 (\$40.00) Dollars, the receipt whereof is hereby acknowledged, and the balance of Three Hundred Sixty and No/100 (\$360.00) Dollars in annual installments with interest at the rate of six per cent per annum, payable in advance on the first day of January of each year, as shown herewith, to-wit:

Record of Assignments
Assignee Date
Harriet O. & Hassel Blankenship 9 29 47
Hailey, Idaho 11 14 47

When Due	Principal	Interest	Balance	Principal
Oct. 10, 1924	40.00	4.86	360.00	
Jan. 1 1925	9.00	21.06	351.00	
Jan. 1 1926	9.00	20.32	342.00	
Jan. 1 1927	9.00	19.98	333.00	
Jan. 1 1928	9.00	19.44	324.00	
Jan. 1 1929	9.00	18.90	315.00	
Jan. 1 1930	9.00	18.36	306.00	
Jan. 1 1931	9.00	17.82	297.00	
Jan. 1 1932	9.00	17.28	288.00	
Jan. 1 1933	9.00	16.74	279.00	
Jan. 1 1934	9.00	16.20	270.00	
Jan. 1 1935	9.00	15.66	261.00	
Jan. 1 1936	9.00	15.12	252.00	
Jan. 1 1937	9.00	14.58	243.00	
Jan. 1 1938	9.00	14.04	234.00	
Jan. 1 1939	9.00	13.50	225.00	

Payments Reflected on Schedule
Amt. Paid \$44.00
Balance Due \$281.00

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 27 day of aug.

19 81, and the date of the last publication was on the 3

day of Sept., 1981.

Melba Thorne

Subscribed and sworn to before me this 3
day of September, 1981.
(SEAL)

Marjorie Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

MICROFILMED

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<u>40</u> Lines straight at	<u>39</u> 15c	<u>15.60</u>
<u>40</u> Subsequent lines at	<u>26</u> 15c	<u>10.40</u>

TOTAL COST 26 00

COPY OF NOTICE

(Paste Here)

Notice claim water Rights
TITLE OF NOTICE

32-4189 F. Peterson
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

7 pt. per line, successive
insertions 15c

No. 3458

AFFIDAVIT - PUBLICATION

State of Idaho, }
County of Lincoln } SS.

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Melba Thorne
Subscribed and sworn to before me this 3
day of September, 1981.
(SEAL)

Maylin Wagon
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

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LEGAL
NOTICE OF CLAIMS
TO WATER RIGHTS
is hereby given that the
claim(s) to water right(s)
established by diversion and
to beneficial use:
37-4186
FARRELL J. &/or LOIS
SHOSHONE, ID 83352
UNNAMED STREAM (700
tributary to BIG WOOD

"This program," Buffington added, "has not only been beneficial to the people, but it has also provided needed information and work experience for the people."

BILL TO

Dept. Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Ida. 83301

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)
7 pt. per line, straight _____ 21c
7 pt. per line, tabular _____ 315c
7 pt. per line, successive
insertions _____ 15c

No. 3458

Big Wood Canal Company

P.O. BOX C

SHOSHONE, IDAHO 83352

RECEIVED

OCT 15 1981

October 12, 1981

Department of Water Resources
Southern District Office

RECEIVED

OCT 16 1981

Department of Water Resources

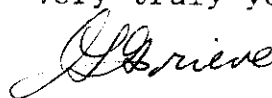
Loren O. Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Id 83301

RE: Claim No. 37-4196
and No. 37-4187

Dear Loren:

The ~~P~~etersons were in the office a while back to see about the Big Wood Canal Company's protest on their application. After consultation, we determined that their application will in no way effect any of our delivery system. I, therefore withdraw the company's protest.

Very truly yours,



J. L. Grieve, Mgr.

JLG/ds

MICROFILMED

FEB 26 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

September 22, 1981

Farrel J. & Lois L. Peterson
Rt. 1 Box 90
Shoshone, Idaho 83352

Re: Claim to a Water Right No. 37-4186 and 37-4187

Dear Mr. & Mrs. Peterson:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by J. L. Grieve, Manager in behalf of Big Wood Canal Company. The following is a quote from the provisions under which this claim has been filed (section 42-243b, of the Idaho Code):

42-243b. Recording of claims by Department, Corrections

"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

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RECORDED

FEB 26 1988

Big Wood Canal Company

P.O. BOX C

SHOSHONE, IDAHO 83352

RECEIVED

September 17, 1981

SEP 20 1981

Department of Water Resources
Southern District Office

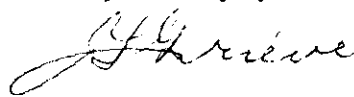
Mr. Loren Holmes
Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Permit Application
37-4186 and 37-4187

Dear Sirs:

The Big Wood Canal Company protests the application for permit by Lois and Farrell Peterson for water from 700 Creek or 700 Wasteway because the company has live water flowing by ditch across the wasteway. This protest is to make provisions for no interference by the Petersons.

Very truly yours,



J. L. Grieve, Mgr.

JLG/ds

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FEB 26 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

September 9, 1981

FARRELL J. PETERSON
LOIS L. PETERSON
RT. 1 BOX 90
SHOSHONE

ID 83352

RE: Claim No. 37-4187

Dear Claimant:

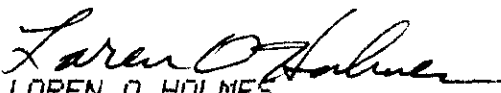
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

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

INDEXED
FEB 26 1988

1 NOTICE OF CLAIMS TO WATER RIGHTS

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

32-4182-

PETERSON, FARRELL J. &/or LOIS L.

RT. 1 BOX 90, SHOSHONE, ID 83352

Source: UNNAMED STREAM (700 CREEK) tributary to BIG WOOD RIVER

Priority Date: 04/01/1941

Amount: 3.00 CFS

Diversion Point: SWNE NWSE Sec 02 T 05S R 16E, LINCOLN Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to 11/01
STOCKWATER (0.03 CFS) from 01/01 to 12/31

Place of Use: SWNE NWSE Sec 02 T 05S R 16E FOR 30 ACRES

Diversion Means: PUMP, DITCHES, CHECK DAM

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 8/27 & 9/3/1981.

MICROFILMED

FEB 26 1988

RECEIVED
SEP 10 1981

Department of Water Resources

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GALLEY PROOF

**NOTICE OF CLAIMS
TO WATER RIGHTS**

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

37-4187

PETERSON, FARRELL J. &/or LOIS L.

RT. 1 BOX 90, SHOSHONE, ID 83352

Source: UNNAMED STREAM (700 CREEK) tributary to BIG WOOD RIVER

Priority Date: 04/01/1941

Amount: 3.00 CFS

Diversion Point: SWNE NWSE Sec 02 T 05S R 16E, LINCOLN Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to 11/01

STOCKWATER (0.03 CFS) from 01/01 to 12/31

Place of Use: SWNE NWSE Sec 02 T 05S R 16E FOR 30 ACRES

Diversion Means: PUMP, DITCHES, CHECK DAM

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

/s/ A. KENNETH DUNN

Director

PUB: 8-27, 9-3, 1981

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may
8/26/81*

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FEB 26 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

AUGUST 20, 1981

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

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 SEPTEMBER 14, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

FEB 26 1988

IDENT. NO. 37-4187

WATER RIGHT
DATA ENTRY LOG

[illegible]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: W. C. Blau

Right Number 37-4187 Applicant _____

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 ADM Date 9/9/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jm Date 9/10/81