

Sec. 2 T5S., R. 14E., D.M.

Peterson Claim

1314

887



MICROFILMED
FEB 26 1988

E. PERK

J. G. THUR

"NOT TO SCALE"

AFFIDAVIT 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)

Naug Ann Hagen
NOTARY PUBLIC

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LINCOLN COUNTY JOURNAL
Shoshone, Idaho
COST OF PUBLICATION

ok margo

Number of Lines in Notice	_____	_____
Number of Insertions	_____	_____
Lines tabular at	315c	_____
<u>44</u> Lines straight at	<u>39</u> 21c	<u>17.16</u>
<u>44</u> Subsequent lines at	<u>26</u> 15c	<u>11.44</u>
TOTAL COST		<u>28.60</u>

COPY OF NOTICE

(Paste Here)

Notice of Claim to Water Right
TITLE OF NOTICE
32-4186 F. Peterson
PLAINTIFF ATTORNEY

DEFENDANT

LEGALS

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:

37-4186

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: 04/01/1928

Amount: 10.00 CFS

Diversion Point: NWSE Sec 02 T 05S R 16E (REDIVERSION) SESW Sec 02 T 05S R 16E, LINCOLN Co.

Use: IRRIGATION (10.00 CFS) from 04/01 to 11/01

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

Place of Use: NESW NWSW SWSW SESW Sec 02 T 05S R 16E FOR 75 ACRES

Diversion Means: WEIRS, PIPELINE DITCHES

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.

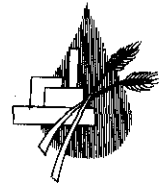
/s/ A. KENNETH DUNN
Director

PUB: 8-27, 9-3, 1981

RECEIVED
NO 3458
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 for Lois L. Peterson
(Name of Claimant)
Rt. 1, Box 90, Shoshone, Idaho, 83352 Telephone No. 986-2691
(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, 1928

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.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	To	(Mo., Day)	To
Quantity <u>10.00 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) 10.00 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 2 Twp. 5S. Rge. 16E. B.M., County of Lincoln
Additional points of diversion: Rediversion into pipeline & ditches SE 1/4 SW 1/4 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. Two 36" weirs divide creek; water then rediverted into pipeline & gravity ditches.

(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5S.</u>	<u>16E.</u>	<u>2</u>									<u>11</u>	<u>6</u>	<u>25</u>	<u>33</u>					<u>75</u>

No. of acres 75

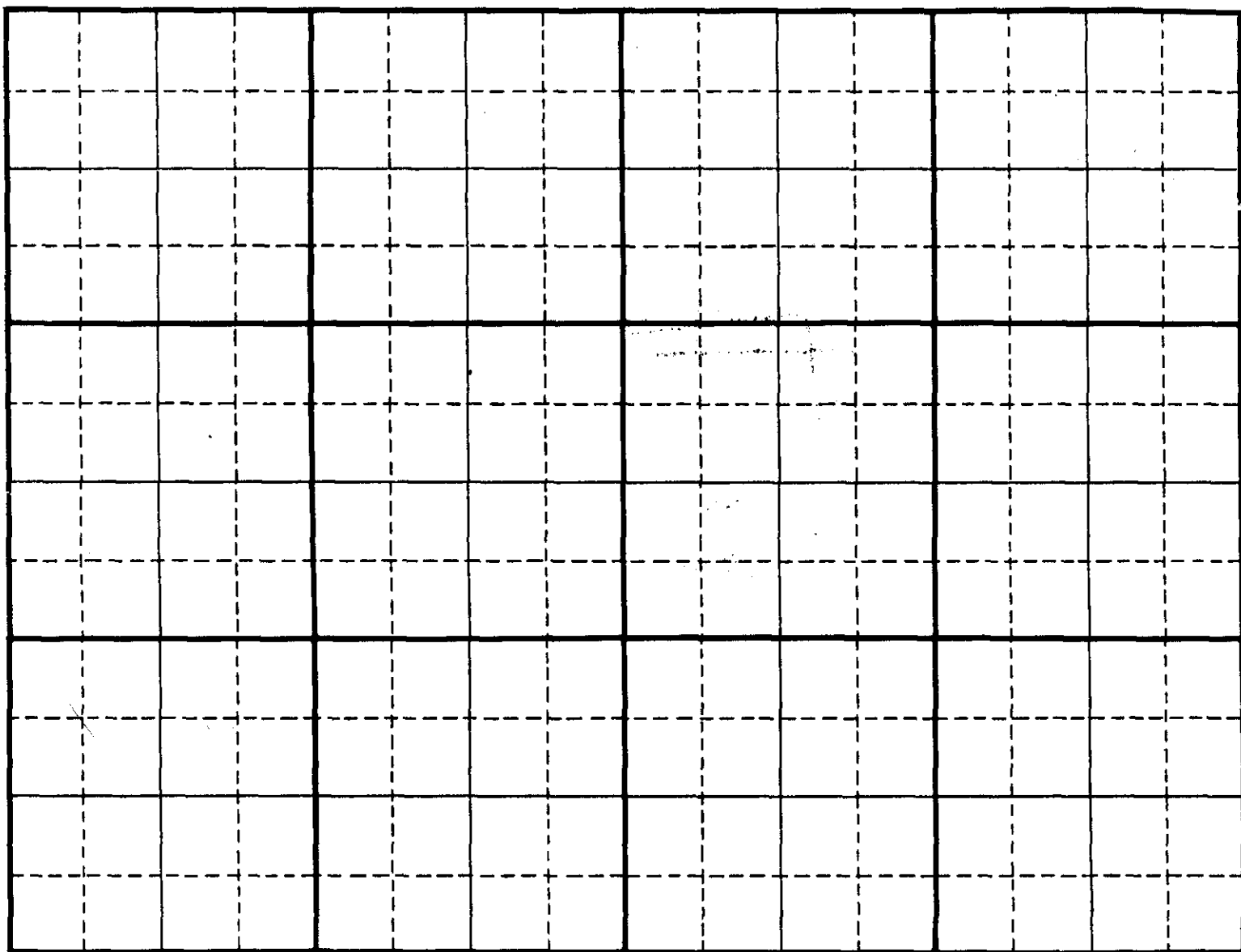
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Cattle drink from ditches & creek.

NOTE: Include here the type and number of stock watered: 100 head 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 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.

[Signature]
(Claimant)

Sworn to before me this 19 day of August, 1981.

Mary A. Hill
Notary Public
Residing at Twin Falls, ID 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by ADM Date 8/19/81 Exception filed by: _____ Date _____
Prelim. check by TG-Bhu Date 8-19-81 Fowarded to claimant by: _____
50.00 \$20.00 fee received by mary Date 8/19/81 # 18728 **RECORDED**
Published in Lincoln County Journal
Dates 8/27 + 9/3/81

FEB 26 1988

Peterson Clitz

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and General Sales Manager, are authorized to execute this instrument on behalf of the Richfield Oil Corporation and acknowledge the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said corporation at the City of Los Angeles, California, this 26th day of February, 1958.

(N.P. SEAL)

N. P. SEAL

Notary Public in and for the State of California
My Comm. Expires May 15, 1959

Recorded at the request of Security Title Company, at 11:30 A.M. on Feb. 26, 1958.

Geraldine Devaney, Deputy

Public Office, Los Angeles, Cal.

Fee: \$3.50

0000

#105092

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. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife; Clarence R. Tews, a bachelor; Marguerite Tews, 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 Wood 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 Northeast Quarter (SE $\frac{1}{4}$ 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 Eleven (11), 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. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife, Clarence R. Tews, a bachelor, and Marguerite Tews, a spinster, owners of the following:

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FEB 26 1958

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Forty (40), Township Four (4) South, Range Sixteen (16) E.B.M.; Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Forty-two (42), Township Four (4) South, Range Sixteen (16) E.B.M.; Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Forty-two (42), Township Four (4) South, Range Sixteen (16) E.B.M.; and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Forty-two (42), Township Four (4) South, Range Sixteen (16) E.B.M., all in Lincoln County, Idaho.

(b) Dean B. Cox and Beatrice J. Cox, his wife, owners of the following:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M., and also the following described land: Beginning at the northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2), thence due north on the east line of said section a distance of eight hundred (800) feet, thence west on a line parallel with the east line of said Section Two (2) a distance of four hundred (400) feet, thence in a straight westerly direction to the northwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2); thence east to the place of beginning, containing ninety-six (96) acres, more or less, in Lincoln County, Idaho.

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

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-five (35), Township Four (4) South, Range Sixteen (16) E.B.M., Lot Four (4) of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section One (1), Township Five (5) South, Range Sixteen (16) E.B.M., and Lot One (1) of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Two (2) Township Five (5) South, Range Sixteen (16) E.B.M.

4. Each and all of the parties also utilize waters from said coulees 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 coulees 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 coulees in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said coulees.

(b) That William G. Tows and Mary Tows, his wife, Lawrence E. Tows and Elizabeth Tows, his wife, Clarence E. Tows, a bachelor, and Marguerite Tows, a spinster, shall have the right to continue diverting water from said coulees 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 coulees in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said coulees.

(c) That Dean B. Cox and Beatrice J. Cox, his wife, shall have the right to continue diverting water from said coulees 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 coulees in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said coulees.

6. It is understood and agreed that no person shall pump or divert water from said coulees for irrigation of the lands lying east of said coulees.

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FEB 26 1988

of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Two (2) for diverting water for domestic purposes and stock water thereon, to the same extent and in the same manner heretofore enjoyed by them. They agree that the said flow 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 will be irrigated through said diversion and pumps.

7. The remainder of the waters in said coulee 700 shall be owned and diverted 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 1/4 SE 1/4) of Section Two (2), Township 11 N (6) 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 construction, 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 land 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.

NOT RECORDED

FEB 26 1988

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When this contract has been fully executed the case of Smith vs. [unclear], 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 11th day of September, 1934.

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

/s/

D. SID SMITH
D. Sid Smith

Alta G. Smith

ROSS BOYD
Ross Boyd

MARGUERITE BOYD
Marguerite Boyd

FIRST PARTIES

MAX A. BOESIGER
Max Boesiger

RUTH H. BOESIGER
Ruth H. Boesiger

MARY BOESIGER
Mary Boesiger

SECOND PARTIES

WILLIAM G. TEWS
William G. 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

BETTRICE J. COX
Beatrice J. Cox

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

JOSEPHINE VELASQUEZ
Josephine Velasquez

THIRD PARTIES

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1934, before me, Jack H. Murphy, a Notary Public in and 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 hereunto set my hand and affixed my official seal, this 8th day of September, 1934.

(N.P. SEAL)

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

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FEB 26 1988

STATE OF IDAHO)
County of Lincoln) ss

On this 15th day of March, 1935, before me, Jack H. Murphy, a Notary Public in and 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 hereunto set my hand and affixed my official seal, this 15th day of March, 1935.

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 Boesiger and Ruth H. Boesiger, 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 Boesiger, 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 Elizabeth Tews, his wife, Clarence E. 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 B. 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 D. 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.

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FEB 26 1988

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

(N.P. SEAL)

JACK H. MURPHY
Notary Public for the State of Idaho
Residing at _____

STATE OF IDAHO)
County of Gooding) ss

On this 19th day of June, 1956, before me Branch Bird a Notary Public for the State of Idaho, personally appeared D. Sidney Smith and William G. Smith, known to me as the persons whose names are subscribed to the within instrument, as representing the estate of Alta G. (Gooding) Smith, and acknowledged to me that they were the persons as such executors.

In Witness whereof I have hereunto set my hand and affixed my seal on the _____ 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 9, 1956

Geraldine Devaney, Deputy

Lucille L. Kinsley, Recorder

Fee: \$6.50

#10110

PROOF READ

STATE OF IDAHO
LAND SALE CERTIFICATE

New No. 10110

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 1925 Session Laws.

This is to certify, that on the 10th day of October, 1924, the State of Idaho sold unto Bert Wyant, R #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 $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Twp. 3 S, Rg. 19 E.B.M., containing 40 a. Consideration Four Hundred and No/100 (\$400.00) Dollars to be paid as follows, Forty and No/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. & Hasselt Blankenship	9 29 47
Bailey, 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	20.52	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 Enclosed to follow
Amt. Paid Receipt No. Date

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FEB 26 1988

AFFIDAVIT 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, 19 81.

Melba Thorne

Subscribed and sworn to before me this 3

day of September, 19 81.
(SEAL)

Mary Ann Hage
NOTARY PUBLIC

MICROFILMED
FEB 26 1988
LINCOLN COUNTY JOURNAL
Shoshone, Idaho
COST OF PUBLICATION

ok merge

Number of Lines in Notice _____

Number of Insertions _____

Lines tabular at _____ 315c

44 Lines straight at 32 17.16

44 Subsequent lines at 36 11.44

TOTAL COST 28.60

COPY OF NOTICE

(Paste Here)

Notice of Claim to Water

TITLE OF NOTICE

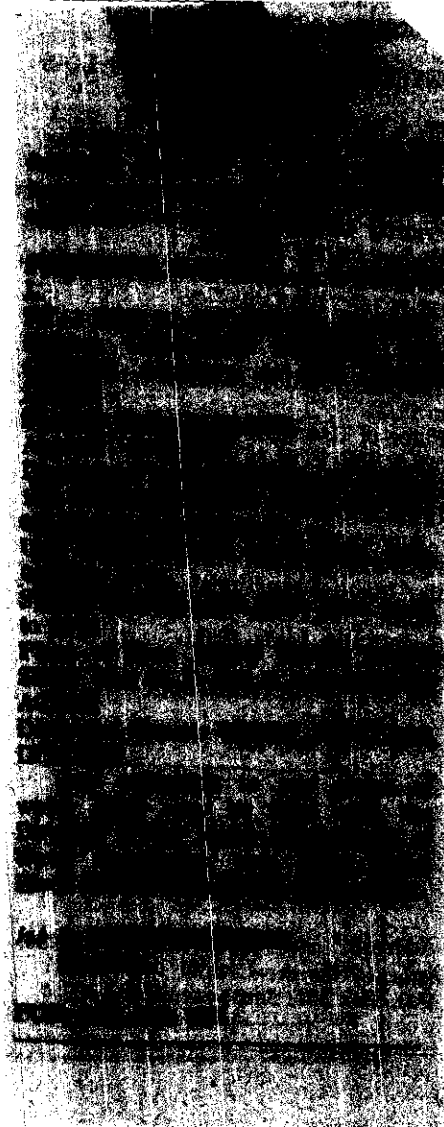
Right

32-4186

P. Peterson

PLAINTIFF ATTORNEY

DEFENDANT



RECEIVED
NO 3458
SEP 8 1981

Department of Water Resources
Southern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 22, 1981

J. L. Grieve, Mgr
Big Wood Canal Company
P. O. Box C
Shoshone, Idaho 83352

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

Dear Mr. Grieve:

We are in receipt of your exception to a Claim to a Water Right filed by Big Wood Canal Company. The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

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.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya
Encl:

RECEIVED
FEB 26 1988

Big Wood Canal Company

P.O. BOX C

SHOSHONE, IDAHO 83352

RECEIVED

September 17, 1981

SEP 22 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. 37-4186

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
LOREN O. HOLMES
Southern Region Supervisor

Enclosure

Microfilm

FEB 26 1988

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:

32-4186-

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: 04/01/1928

Amount: 10.00 CFS

Diversion Point: NWSE Sec 02 T 05S R 16E (REDIVERSION) SESW Sec 02 T 05S R 16E,
LINCOLN Co.

Use: IRRIGATION (10.00 CFS) from 04/01 to 11/01
STOCKWATER (0.03 CFS) from 01/01 to 12/31

Place of Use: NESW NWSW SWSW SESW Sec 02 T 05S R 16E FOR 75 ACRES

Diversion Means: WEIRS, PIPELINE DITCHES

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

SHONI LEGAL (351) GALLEY PROOF
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**NOTICE OF CLAIMS
TO WATER RIGHTS**

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Diversion Means: WEIRS, PIPELINE DITCHES

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/s/ A. KENNETH DUNN
Director

PUB: 8-27, 9-3, 1981

*ok
maga
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. 37-4186

WATER RIGHT
DATA ENTRY LOG

Item

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: TG. Blau

Right Number 37-4186 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 7/10/81