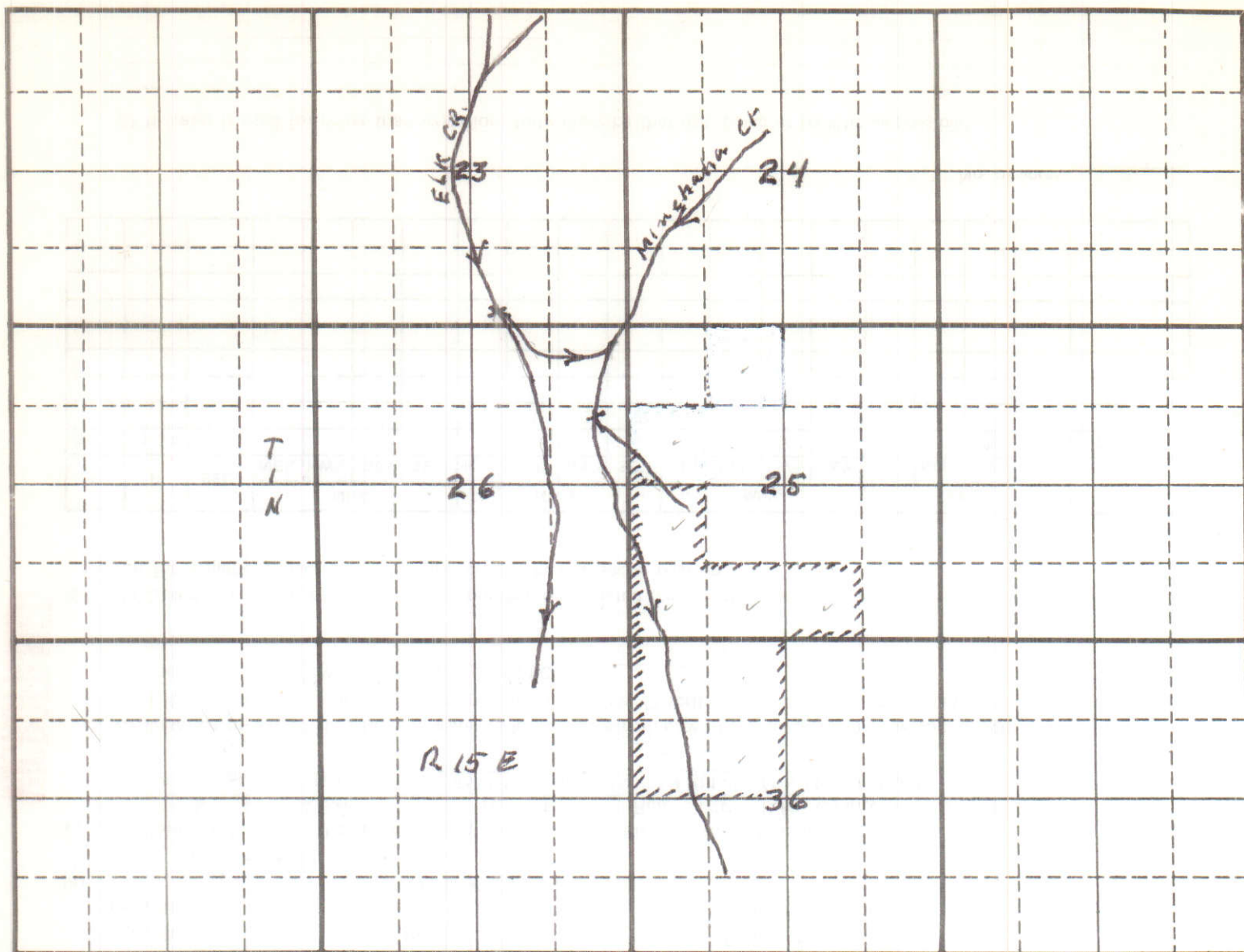


- (8) Remarks This claim is based on a decree: Smith vs Ferris, July 12, 1887 Vol 1 of Judgements Page 24, Blaine County Records - The water is co-mingled with Minehaha Creek water under decreed rights



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.

Kenneth Deek
(Claimant)

Sworn to before me this 26 day of May, 19 81.

Loren O. Holme
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by LH Date 5/26/81 Exception filed by: _____ Date _____
Prelim. check by ADM Date 5/26/81 Fowarded to claimant by: _____
\$30.00 fee received by mary Date 5/26/81 # 18628
Published in Gooding Co. leader
Dates 6/3 6/10/81

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Gooding } SS.

JUN 11 1981

Department of Water Resources
Southern District Office

Gary Grosh, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 3 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 3 day of June

19 81, and the date of the last publication was on the 10

day of June, 19 81

Subscribed and sworn to before me this 10

day of June, 19 81.

(SEAL)

Cindy Dains
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 40
Number of Insertions 2
Lines tabular at 33
Lines straight at 29 11.60
Subsequent lines at 19 7.60
TOTAL COST 19.20

COPY OF NOTICE

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:

37-4174

PECK, KENNETH
RT. 1, FAIRFIELD, ID 83327
Source: ELK CREEK tributary to CAMAS CREEK
Priority Date: 06/12/1887
Amount: 6.40 CFS
Diversion Point: SWSE Sec 23 T 01N R 15E SWNE Sec 26 T 01N R 15E (REDIVERSION), CAMAS Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01
Place of Use: SWNW NWSW SWSW SESW SWSE Sec 25 T 01N R 15E NENW NWNW SWNW SENW Sec 36 T 01N R 15E FOR 325 ACRES
Diversion Means: DIVERSION DAM & DITCH

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

Pub: 6-3, 10.

RECEIVED

JUN 19 1981

Department of Water Resources

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight
7 pt. per line, tabular
7 pt. per line, successive insertions

Nº 2950
37121

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JUNE 23, 1981

KENNETH PECK
RT. 1
FAIRFIELD

ID 83327

RE: Claim No. 37-4174

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

RECEIVED
JUN 24 1981
SOUTHERN REGION
DEPARTMENT OF WATER RESOURCES
IDAHO

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 Kenneth Peck
(Name of Claimant)
Rt 1 Fairfield, Idaho 83327 Telephone No. 764-2565
(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) July 12, 1887

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)
Elk Creek tributary to Camas Creek

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>6.40</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) 6.40 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 23 Twp. 1N Rge. 15E B.M., County of Camas
Additional points of diversion: SW¼NE¼, Sec. 26 T1N R15E (Rediversion)

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. diversion dam & 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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	15E	25							5			40	40	40			40		165
		36					40	40	40	40									160

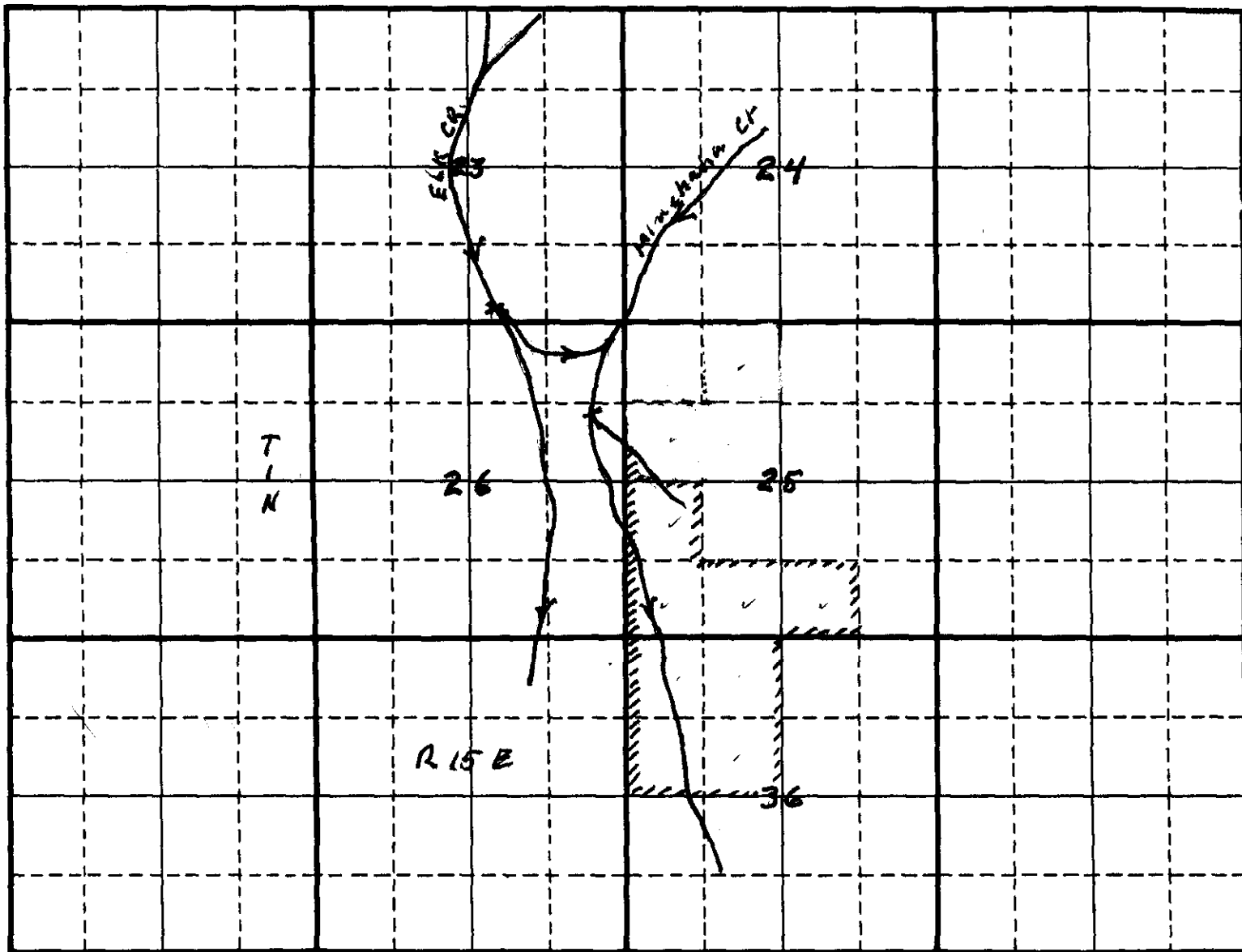
No. of acres 325

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

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:

(8) Remarks This claim is based on a decree: Smith vs Ferris, July 12, 1887 Vol 1 of Judgements Page 24, Blaine County Records - The water is co-mingled with Minehaha Creek water under decreed rights



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.

Kenneth D. Clark
(Claimant)

Sworn to before me this 26 day of May, 19 81.

Loren O. Halme
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by LT Date 5/26/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date _____
\$30.00 fee received by marcy Date 5/20/FI-A/18628
Published in Gooding Ch. leader
Dates 6/3 6/10/81

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Gooding } SS.

JUN 11 1981

Department of Water Resources
Southern District Office

Gary Grosh being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 3 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 3 day of June 19 81, and the date of the last publication was on the 10 day of June 19 81

Subscribed and sworn to before me this 10

day of June, 19 81.
(SEAL)

Cindy Davis
NOTARY PUBLIC

MICROFILMED

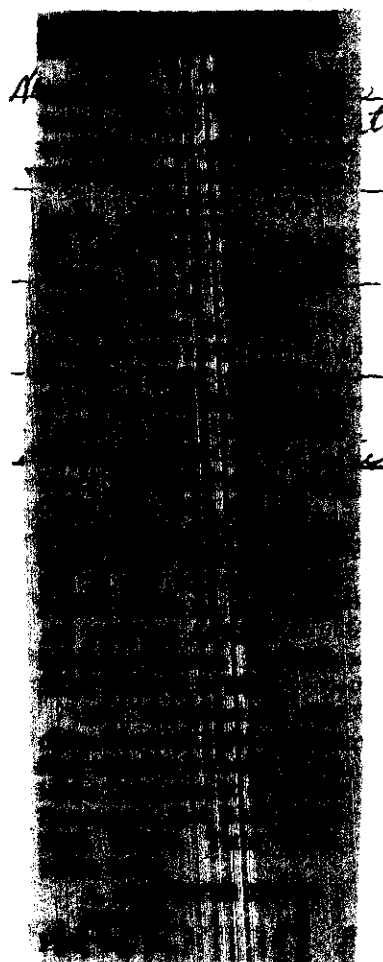
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 40
Number of Insertions 2
Lines tabular at .38
Lines straight at .29 11.60
Subsequent lines at .19 7.60
TOTAL COST 19.20

COPY OF NOTICE



RECEIVED

JUN 19 1981

Department of Water Resources	
PUBLICATION RATES	
(Idaho Code, Rev. Statutes 1971)	
7 pt. per line, straight	
7 pt. per line, tabular	
7 pt. per line, successive insertions	

Nº 2950
37121

37-4174

I, Fred Walton, of 509 13 Ave. W., Gooding, Idaho, moved with my family to the ranch in 1909, which is now owned by Dennis Craig Baldwin on Elk Creek in Camas County. We lived there for many years and my father plowed up all the ditches that were on the place because all the water was used on the William Peck and Herman Mehle ranches above ours, and no water was allowed to reach ours during the irrigating seasons.

Fred Walton

State of Idaho

County of Gooding

Sworn to before me this 1st day of March, 19 82

Mary Schmitt
Notary Public for Idaho

Gooding, Idaho
Residing at

My Commission expires Feb. 10, 1985

RECORDED

I Dean Shaffer of Gooding, Idaho farmed the property held in the Laura Peck Trust after the death of William (Bill) Peck in 1956 until the property was purchased by Kenneth and Roselyn Peck in 1976. I, together with Charles Gaskill used and shared all the water of Elk Creek and Minnehaha Creek during the irrigating season. During the time I farmed the property no one else ever used any of these waters.

Dean Shaffer

State of Idaho

County of Gooding

Sworn to before me this 23 day of February, 1982

Pauline M. Jackson
Notary Public

Gooding, Idaho
residing at

My commission expires 11-13-85

I, Charles Gaskill, of Fairfield, Idaho, started farming the property inherited by Viola Whitney in 1957, after the death of her father, William Peck, until the present time. I have, together with the tenants farming the other half of the former William and Laura Peck property and the present owners Kenneth and Roselyn Peck, used and shared all the waters from Elk Creek and Minnehaha Creek for irrigation during the irrigating season since that time. No one else ever used any of these waters, until Dennis Craig Baldwins application for water in 1978.

Charles Gaskill

State of Idaho

County of Camer

Sworn to before me this 8 day of March, 1982

Edward V. Reagan
Notary Public

Fairfield, Idaho
Residing at

My commission expires 9-20-83

We, Newell Brooks and Lola Brooks, of Fairfield, Idaho,
farmed the land in 1937 and 1938 now owned by Dennis
Craig Baldwin on Elk Creek. William Peck used all the
water of Elk Creek and Minnehaha Creek for irrigation
on his ranch above ours and no other ranches were
allowed use of these waters.

Newell Brooks

Lola Brooks

State of Idaho

County of Camas

Sworn to before me this 26 day of Feb., 1982

Edward V. Reagan
Notary Public

Fairfield, Idaho
Residing at

My Commission expires 9-20-83

MICROFILMED

ly 12, 1952
-minaled

We, Robert Gaskill and Darlene Gaskill, of 304 N. Apple,
Shoshone, Idaho, farmed the William and Laura Peck
property from 1951 through 1955 and we used all of the
waters of Elk Creek and Minnehaha Creek for irrigation
during the irrigating season on their 640 acres
situated on Elk Creek in Camas County. No one else
used any of these waters for irrigation during that
time.

Darlene Gaskill

Robert Gaskill

State of Idaho

County of Lancaster

Sworn to before me this 12th day of March, 1952

Julie L. Pagan
Notary Public

Shoshone, Idaho
Residing at

My Commission expires November 1953

WATER RIGHT NUMBER 37-4174

OWNER LAST NAME - PECK

FIRST NAME - KENNETH

ORIG OWNER -

ADDRESS LINE 1 - RT. 1

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - FAIRFIELD

STATE - ID ZIP CODE - 83327

SOURCE - ELK CREEK

TRIBUTARY OF - CAMAS CREEK

STAGE - STAIRY CLM

STATUS -

PRIORITY - 06-12-1887

COUNTY - CAMAS

TOTAL DIV. RATE -

6.4000 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSE 23 01N 15E LOT

REDIV -

SWNE 26 01N 15E LOT

REDIV - R

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

6.4000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 01N RNG 15E SEC 25

TRACT SNNW LOT

AC 05

TRACT NWSW LOT

AC 40

TRACT SWSW LOT

AC 40

TRACT SESW LOT

AC 40

TRACT SWSE LOT

AC 40

TRACT NENW LOT

AC 40

TRACT NWNW LOT

AC 40

TRACT SNNW LOT

AC 40

TRACT SENW LOT

AC 40

USE - IRRIGATION

PLACE OF USE - TWN 01N RNG 15E SEC 36

DATE -

TOTAL ACRES

325

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS - DIVERSION DAM & DITCH

NOTICE OF CLAIMS TO WATER RIGHT

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

32-4174

PECK, KENNETH

RT. 1, FAIRFIELD, ID 83327

Source: ELK CREEK tributary to CAMAS CREEK

Priority Date: 06/12/1887

Amount: 6.40 CFS

Diversion Point: SWSE Sec 23 T 01N R 15E SWNE Sec 26 T 01N R 15E (REDIVERSION),
CAMAS Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: SNNW NNSW SWSW SESW SWSE Sec 25 T 01N R 15E NENW NWNW SNNW SENW
Sec 36 T 01N R 15E FOR 325 ACRES

Diversion Means: DIVERSION DAM & DITCH

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 6/3 & 6/10/81.

MICROFILMED

LEGAL jfb

**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
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37-4174

PECK, KENNETH
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Source: ELK CREEK tribu-
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Priority Date: 06/12/1887
Amount: 6.40 CFS
Diversion Point: SWSE Sec
23 T 01N R 15E SWNE Sec 26
T 01N R 15E (REDIVER-
SION), CAMAS Co.
Use: IRRIGATION (6.40
CFS) from 04/01 to 11/01
Place of Use: SWNW NWSW
SWSW SESW SWSE Sec 25 T
01N R 15E NENW NWNW
SWNW SENW Sec 36 T 01N R
15E FOR 325 ACRES
Diversion Means: DIVER-
SION DAM & DITCH

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claim of water right may be
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Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301.

A. KENNETH DUNN
Director

Pub: 6-3, 10.

*of
manga
6/4/91*

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 27, 1981

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

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 JUNE 22, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

IDENT. NO. 37-4174

WATER RIGHT
DATA ENTRY LOG

Item

тебе
тебе

5/26/81

5/26/81

Keypunched by State Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 37-4174 Applicant PECK, Kenneth

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 6/15/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By W. H. H. H. H. Date 6/25/81