

[illegible]

Scale: 2 inches equal 1 mile.

Received by MB Date 9-23-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RDC Date 9/23/74 claimant by: _____
\$10.00 fee received by MB Date 9-23-74
Approved for publication by MB 10-23-74 #13068
Published in Ashton Herald
Dates October 3 & 10, 1974

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey
being first duly sworn, upon her
oath, deposes and says:

That she is the *editor*...
of The Ashton Herald, a news-
paper as defined by Idaho Codes
Annotated, section 58-106, as
amended, and that said newspaper
is a weekly newspaper published
at Ashton, Idaho, in Fremont
County, Idaho, having a general
circulation in said county, and that
said newspaper has been printed
and published as a weekly news-
paper in said county for more than
78 consecutive weeks prior to the
first publication of the attached
notice, advertisement or publi-
cation of *Notice of*.....

Claim to Water...
Right # 21-4012.

And affiant further says that said
notice, advertisement or publi-
cation, as per clipping attached,
was published in said newspaper,
in the regular and entire issue
thereof, and not in any supplement
issue thereof, for *2*.....

consecutive issues thereof; first
publication having been made on

the *10*..... day of

October, 19*74*..

and the last publication on the

17... day of *October*

19*74*.

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least
eight pages of at least four col-
umns each, printed from type
matter, of at least fifteen inches
deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this *22*...

day of *October*.....

19*74*..

Klaus W. Koenig

Notary Public for the State
(SEAL) of Idaho, residence and
post office address:
Ashton, Idaho.

RECEIVED

OCT 23 1974

Department of Water Resources
Eastern District Office

PUBLIC NOTICES

MB NOTICE OF CLAIM
TO A WATER RIGHT
NO. 21-4012

Notice is hereby given that Dyle B.
Peterson, Route #1, Box 167, St.
Anthony, Idaho has filed a claim to a
water right established by diversion and
application to beneficial use of 2.0 cubic
feet per second of water from an
unnamed spring tributary to Snake River
with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 7, T. 9N, R. 43E, B.M. Fremont
County.

The water is claimed to be used from
Apr. 15 to Oct. 15 for the irrigation of 120
acres with a priority of January 8, 1949;
the place of use is within the SE $\frac{1}{4}$, Sec.
7, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 9N, R. 43E,
B.M.

Any exception to this claim of water
right may be filed with the Idaho
Department of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Ashton Herald, Ashton,
Idaho on October 10 and October 17,
1974 *CB*

MICROFILMED

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 21-4012**

Notice is hereby given that Dyle B. Peterson, Route #1, Box 167, St. Anthony, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from an unnamed spring tributary to Snake River with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 9N, R. 43E, B.M. Fremont County.

The water is claimed to be used from Apr. 15 to Oct. 15 for the irrigation of 120 acres with a priority of January 8, 1949; the place of use is within the SE $\frac{1}{4}$, Sec. 7, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 9N, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Ashton Herald, Ashton, Idaho on October 10 and October 17, 1974

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Dyle B. Peterson
(name of claimant)
of Route #1, Box 167, St. Anthony, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed Spring
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|------------|-----|---------------|---------------------|----------------|----|----------------|
| Amount | <u>2.0</u> | Use | <u>Irrig.</u> | Period of Use: From | <u>Apr. 15</u> | To | <u>Oct. 15</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
- (cfs, ~~gpm~~ (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) January 8, 1949

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 7 Twp. 9N Rge. 43E B. M. County of Fremont
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. Tractor with PTO pump for both sprinkler and surface irrigation

- (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	
9N	43E	7													10	10	30	30	80
"	"	8										40							40

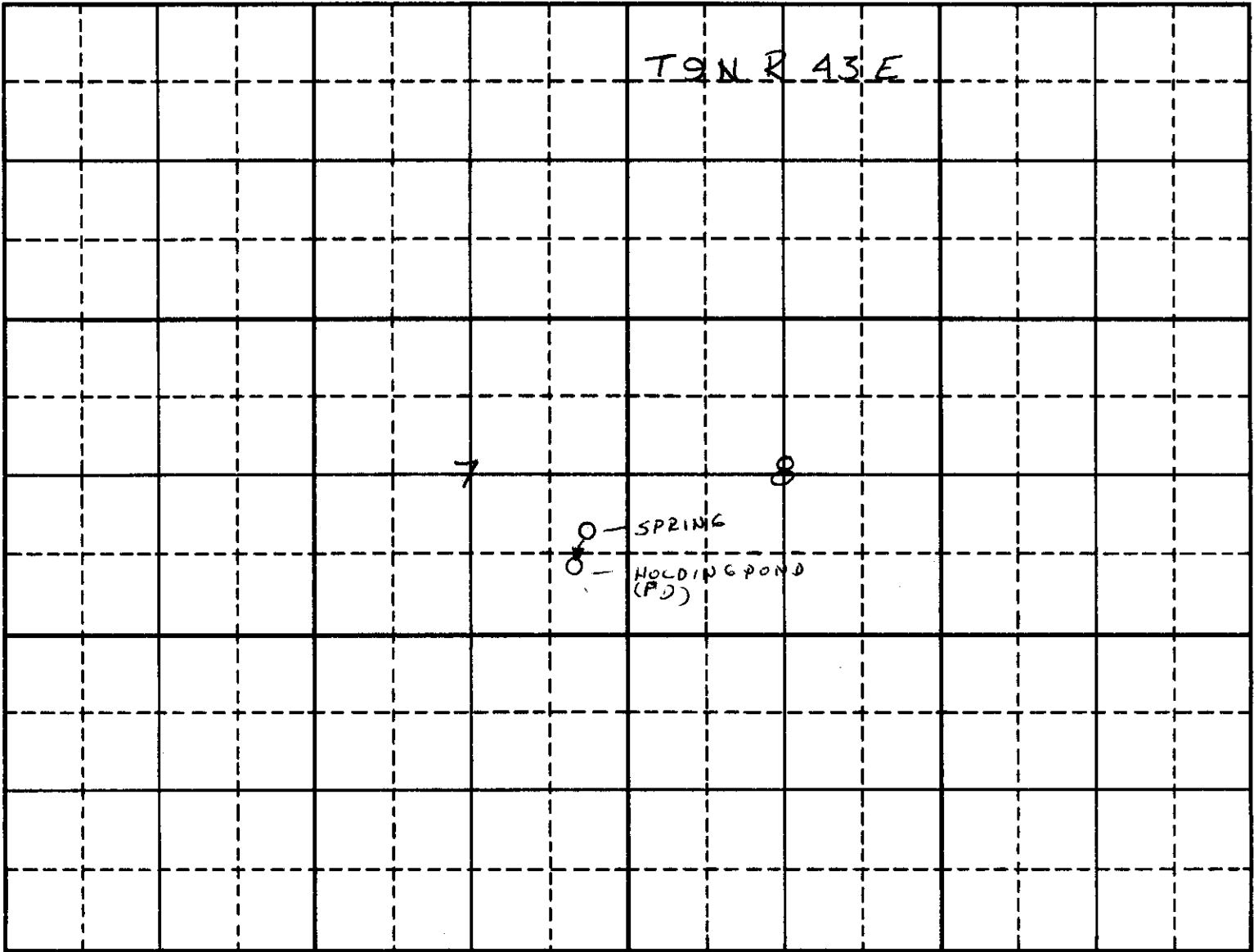
Total No. of acres 120

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: None

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

MICROFILMED

(8) Remarks This claim is based on Permit No. 20880 which was cancelled because permit holder was out of town when proof was due. Water has been used in accordance with the evidence of the permit since 1949



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)
) ss.
County of BONNEVILLE)

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 affiants knowledge.

Sworn to before me this 23rd day of SEPTEMBER, 1974.

Nyle B Peterson
(Claimant)
Ronald D Carlson
Notary Public
Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>9-23-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>9/23/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>9-23-74</u>			
Approved for publication by <u>MB</u>	Date <u>10-23-74 #13068</u>			
Published in <u>Oakton Herald</u>				
Dates <u>October 3 & 10, 1974</u>				

Address all communications to

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 28524

Permit No. 20880

District No.

1. Name of applicant: D.B. Peterson,

Post office address St Anthony, Rt. 1 County Fremont State Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 2.0 cubic feet per second.

3. Source of water supply: Spring, (Un-named)

which is tributary of Snake River,

4. Location of point of diversion: feet distant from the corner

of Section T R B. M., and is in the SE 1/4 SE 1/4

of Section 7 T 9.N. R 43.E. B. M., County of Fremont,

5. Water is to be used for: Irrigation & Domestic purposes,

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T R B. M., in the of Section T R B. M.

(b) Amount of power generated: H. P., under feet head

(c) Water is to be returned to at a point feet

distant from the corner of Section T R B. M. in the

of Section T R B. M.

7. Estimated cost of works: \$ 1,000.00

8. Kind of works: Pump and Ditches,

(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam

10. Size of headgate: Width feet; Height feet.

11. Ditch. Width at bottom 2 feet; Width at water line 5 feet; Depth of water 5 feet;

Dimensions of flume ; Diameter of pipe inches;

Length of conduit 1 miles. Average grade per mile feet.

RECORDED

12. The time required for the completion of such work is Four years.

13. The time required for the complete application of the water to the proposed use is TWO additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated.....120.....

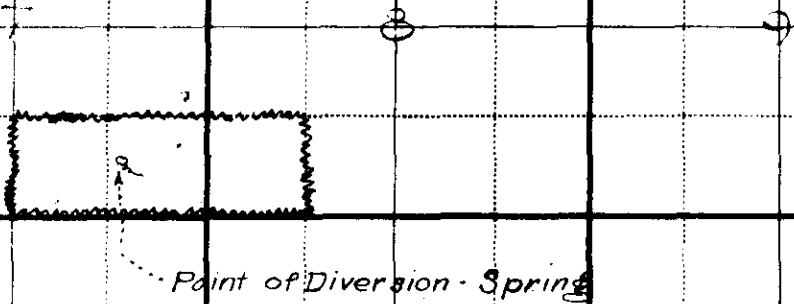
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are None.

NAME OF APPLICANT

D. R. Peterson,

FORM No. 0

T. 9N. R. 43E.



20880
M. K. R. I. P.
M. K. R. I. P.

Yes,

16. (a) Is reservoir to be used? Small detention reservoir (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant.

Remarks: Spring is located on applicant's land.

Applicant intends to construct a small reservoir below said spring or point of diversion, whereby he can store said waters for short periods of time for future irrigation. Reservoir will not hold in excess of 12 acre feet and dam will be under 10 feet in height. Will be used just as a detention reservoir and in most cases to store water during the night time for irrigation purposes during the day.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]

Applicant

By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____ and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of _____ } ss.

On this _____ day of _____, 194____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires _____

[Faint circular stamp]

Approval of State Reclamation Engineer

The number of this permit is

20880

Recorded in Book

75

Page

20880

Approved

JAN 14 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed before

Work to begin on or before March 14, 1949

and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 14, 1951

The whole of said work to be completed on or before January 14, 1953

Beneficial use of water appropriated in accordance herewith, to be made on or before January 14, 1955

Witness my hand this 14th day of January, 1949

Mark R. Kneip

State Reclamation Engineer.

IN TESTIMONY WHEREOF We,

C. A. ROBINS

Governor of the State of Idaho,

and J. ... "C" ...

Secretary of State of the State of Idaho, have caused

this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto

affixed, this 14th day of January, 1949

Countersigned:

STATE OF IDAHO

By

Secretary of State.

By

Governor

No. 20880

PERMIT

Date of first receipt at office of State

Reclamation Engineer

10:45 a.m. Jan. 8, 1949

Returned to applicant for correction

Corrected application received

Fees, \$ 5.25

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or fraction

thereof .25

APPROVED

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey
being first duly sworn, upon her
oath, deposes and says:

That she is the *editor*...
of The Ashton Herald, a news-
paper as defined by Idaho Codes
Annotated, section 58-106, as
amended, and that said newspaper
is a weekly newspaper published
at Ashton, Idaho, in Fremont
County, Idaho, having a general
circulation in said county, and that
said newspaper has been printed
and published as a weekly news-
paper in said county for more than
78 consecutive weeks prior to the
first publication of the attached
notice, advertisement or publi-
cation of *Notice*.....

Claim to Water...

Right # 21-4012

And affiant further says that said
notice, advertisement or publi-
cation, as per clipping attached,
was published in said newspaper,
in the regular and entire issue
thereof, and not in any supplement
issue thereof, for ...*2*.....

consecutive issues thereof; first
publication having been made on

the ...*10*..... day of

October, 19..*74*..,

and the last publication on the

17... day of *October*

19..*74*..

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least
eight pages of at least four col-
umns each, printed from type
matter, of at least fifteen inches
deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this *22*...

day of *October*...

19..*74*..

Kelly H. Wesner

Notary Public for the State
(SEAL) of Idaho, residence and
post office address:
Ashton, Idaho.

RECEIVED
Oct. 23 1974
Department of Water Resources
Eastern District Office

PUBLIC NOTICE

Notice is hereby given that *Lyde B. Peterson*, *Robert W. Smith*, *St. Anthony, Idaho* has filed a claim for a water right consisting of *120* acres of agricultural land of *20* cubic feet per second of water from an unmanipulated tributary to Snake River with point of diversion in the *SE 1/4, Sec. 7, T. 3N, R. 3E, B.M. Fremont County*.

The water is claimed to be used from *Apr. 15 to Oct. 15* for the irrigation of *120* acres with a priority of *January 8, 1949*; the place of use is within the *SE 1/4, Sec. 7, SW 1/4, T. 3N, R. 3E, B.M.*

Any exception to this claim of water right may be filed with the Department of Water Resources, 1115 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HENDERSON
Director

MICROFILMED

October 28, 1974

RE: Claim to a Water Right No. 21-4012

Mr. Dyle B. Peterson
Rt. #1, Box 167
St. Anthony, Idaho 83445

Dear Mr. Peterson:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:cw

Enc: Copy of Claim

MICROFILMED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 4, 1974

Re: Claim to a Water Right No. 21-4012 PETERSON

The Ashton Herald
Box 258
Ashton, ID 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

Bill submitted 10-23-74 by MB

RDC:MB

Enc: Legal Notice (1)

MICROFILMED

**WATER RIGHT
NO. 21-4012**

Notice is hereby given that Dyle B. Peterson, #1, Box 167, St. Anthony, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from an unnamed spring tributary to Snake River with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 9N, R. 43E, B.M. Fremont County.

The water is claimed to be used from Apr. 15 to Oct. 15 for the irrigation of 120 acres with a priority of January 8, 1949; the place of use is within the SE $\frac{1}{4}$, Sec. 7, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 9N, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KETTER ROBINSON
Director

Published in the Ashton Herald, Ashton, Idaho on October 10 and October 17, 1974

NOTICE OF CLAIM TO A WATER RIGHT

NO. 21-4012

Notice is hereby given that Dyle B. Peterson

Route #1, Box 167, St. Anthony, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second ~~2000 cubic feet per second~~ of water from an unnamed spring tributary to Snake River with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 9N, R. 43E, B.M. Fremont County.

The water is claimed to be used from Apr. 15 to Oct. 15 for the irrigation of 120 acres with a priority of January 8, 1949; the place of use is within the SE $\frac{1}{4}$, Sec. 7, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 9N, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Ashton Herald, Ashton, Idaho on October 10 and October 17, 1974

MICROFILMED

OB-7.
MB-9
MB-X

XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 24, 1974

Re: Claim to a Water Right No. 21-4012

Mr. Dyle B. Peterson
Route #1, Box 167
St. Anthony, Idaho 83445

Dear Mr. Peterson:

Attached herewith is departmental receipt No. 13063 in the amount of \$10.00 for the above referenced claim.

If you have any questions, please contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Attachment

MICROFILMED