

Claim No. 13 4018STATE 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 LLOYD B. PETERSON
(name of claimant)
of Rt 3, Box 59, Preston, ID 83263, 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) spring
_____, tributary to, Bear River
- (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>.40</u> | Use | <u>irri.</u> | Period of Use: From | <u>Apr 1</u> | To | <u>Oct 15</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: .40 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) Apr 1, 1882

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)
NW ¼ SW ¼, Sec. 9 Twp. 15S Rge. 39E B.M. County of Franklin
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. ditch and laterals on applicant's
land

- (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.

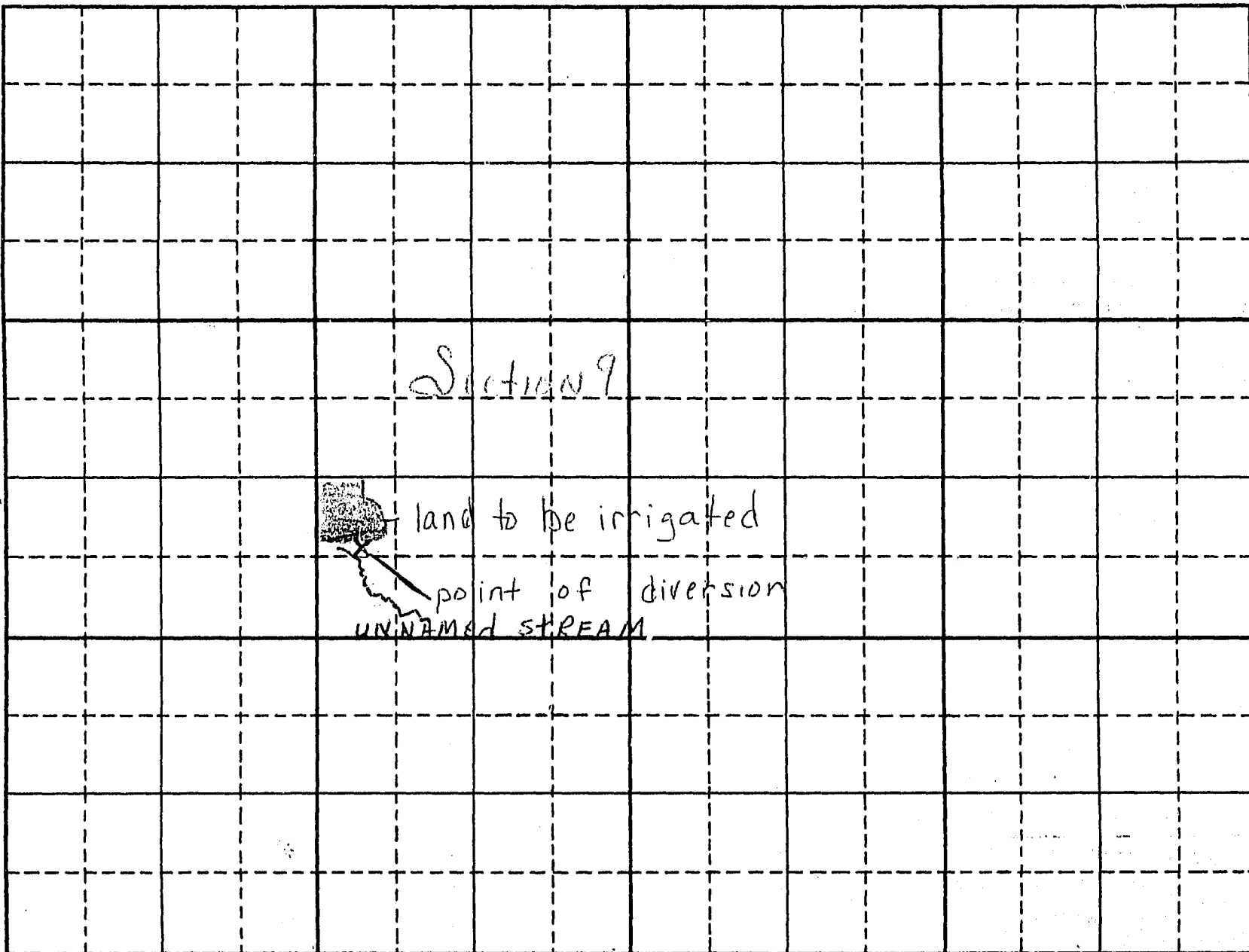
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15	39	9										X							23.7

Total No. of acres 23.7

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

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

(8) Remarks _____



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 Franklin)

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~she~~ she 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.

Lloyd B. Peterson
(Claimant)

Sworn to before me this 30th day of August

19 74
Oliver W. Smith
Notary Public

Residing at Preston, Idaho

My commission expires 4-15-77

For Department Use Only

Received by <u>MB</u>	Date <u>10-10-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>DC</u>	Date <u>10/10/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>10-10-74</u>			
Approved for publication by <u>W. W. 1106/24 #13075</u>				
Published in <u>Muston (Lillem)</u>				
Dates <u>Oct 17 + 24, 1974</u>				

RECEIVED

OCT 10 1974
Department of Water Resources
Eastern District Office

AFFIDAVIT OF USE OF WATER
* * * * *

I, Bernice Erickson, being first duly sworn, deposes and says:

That I am well acquainted with the use of water from a spring located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 39 East of the Boise Meridian, in Franklin County, Idaho.

That said water from said spring has for more than fifty years flowed from the spring in a northern direction down a steep hollow to the lands now owned by Lloyd B. Peterson.

That all of the water from said spring has been used on the lands of Lloyd B. Peterson when said waters were available and the lands of Lloyd B. Peterson, to-wit: approximately 23 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of the above-named Township, Range and Section, and used the water without interference from any other source and treated them as their own exclusive water.

Bernice Leamon Erickson

Subscribed and Sworn to before me this 23rd day of September, 1974.

Dell W. Smith

Dell W. Smith
Notary Public for Idaho
Residing at Preston, Idaho

RECEIVED

OCT 10 1974

Department of Water Resources
Eastern District Office

AFFIDAVIT OF USE OF WATER

I, HERB ZEGGLER, being first duly sworn, deposes and says:

That I am well acquainted with the use of water from a spring located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 39 East of the Boise Meridian, in Franklin County, Idaho.

That said water from said spring has for more than fifty years flowed from the spring in a northern direction down a steep hollow to the lands now owned by Lloyd B. Peterson.

That all the water from said spring has been used on the lands of Lloyd B. Peterson when said waters were available and the lands of Lloyd B. Peterson, to-wit: approximately 23 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of the above-named Township, Range and Section, and used the water without interference from any other source and treated them as their own exclusive water.

Herbert Ziegler

Subscribed and Sworn to before me this 10 day of
September, 1974.

Dell W. Smith

Dell W. Smith
Notary Public for Idaho
Residing at Preston, Idaho

RECEIVED

OCT 10 1974

Department of Water Resources
Eastern District Office

AFFIDAVIT OF USE OF WATER
* * * * *

I, LORIN A. WINGER, being first duly sworn, deposes and says:

That I am well acquainted with the use of water from a spring located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 39 East of the Boise Meridian, in Franklin County, Idaho.

THat said water from said spring has for more than fifty years flowed from the spring in a northern direction down a steep hollow to the lands now owned by Lloyd B. Peterson.

That all of the water from said spring has been used on the lands formerly owned by Oscar Seamons of which Lloyd B. Peterson owns 23 acres. That the Oscar Seamons filing #14140 for all the water of said spring and said waters were used on 123 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, SW $\frac{1}{4}$ of Section 8, above Township and Range, and said water has been used without interference from any other source and treated as the owners own exclusive water.

It is respectfully requested that no one interfere with filing #14140 and divert the water from the above described lands.

Lorin A. Winger-----

Subscribed and Sworn to Before me this 19th day of
September, 1974.

Walter Smith-----

Notary Public for Idaho
Residing at Preston, Idaho

RECEIVED

OCT 10 1974
Department of Water Resources
Eastern District Office

AFFIDAVIT OF USE OF WATER

I, KEN PETERSON, being first duly sworn, deposes and says:

That I am well acquainted with the use of water from a spring located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 15 South, Range 30 East of the Boise Meridian, in Franklin County, Idaho.

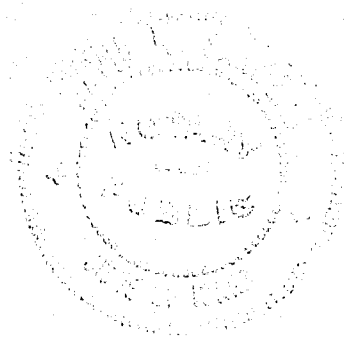
That said water from said spring has for more than fifty years flowed from the spring in a northern direction down a steep hollow to the lands now owned by Lloyd B. Peterson.

That all the water from said spring has been used on the lands of Lloyd B. Peterson when said waters were available and the lands of Lloyd B. Peterson, to-wit: approximately 23 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of the above-named Township, Range and Section, and used the water without interference from any other source and treated them as their own exclusive water.

Ken Peterson

Subscribed and Sworn to before me this 12 day of September, 1974.

David W. Sanders
~~Notary #1~~ ~~Smith~~ DAVID W. SANDERS
Notary Public for Idaho
Residing at ~~Preston~~, Idaho
LAVALHOT SPRINGS, IDAHO



No 2744

RECEIVED

NOV 6 1974

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Franklin

ss.

Wayne D. Bell

being duly sworn,

deposes and says:

That he is the *Co-publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

October 17, 19 *74*, and ending

with the issue of *October 24*, 19 *74*.

Fees, \$ *12.21*

Subscribed and sworn to before me this *5* day

of *November*, 19 *74*.

William D. Liddes

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*.

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-1018

Notice is hereby given that Lloyd B. Peterson, Rt. 3, Box 59, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.40 cubic feet per second of water from a spring tributary of Bear River with point of diversion in the NW 1/4 SW 1/4, Sec. 9, T. 15S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Oct. 15 for the irrigation of 23.7 acres with a priority of April 1, 1882; the place of use is within the NW 1/4 SW 1/4, Sec. 9, T. 15S, R. 39E, 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 Preston Citizen, Preston, Idaho on October 17 and October 24, 1974.

Legal No. 2744 — Pub. Oct. 17, 24, 1974.

Law
Office
Dell W. Smith
Preston
Idaho
83263

RECEIVED

OCT 10 1974

Department of Water Resources
Eastern District Office

October 9, 1974

State of Idaho
Dept of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed you will find Claim to a Water Right under
Section 42-225a, Idaho Code.

I trust that the form is in proper order. If you have
any questions concerning this claim of water, would you kindly
contact this office at 852-1056.

Very truly yours,

Dell W. Smith /dp
DELL W. SMITH

DWS:dp

Encl.

cc: Lloyd B. Peterson

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 11, 1974

C

Mr. Lloyd B. Peterson
Peterson's Custom Welding
Route #3, Box 59
Preston, ID 83263

Dear Mr. Peterson:

Attached herewith is departmental receipt No. 13095 in the amount of \$10.00 for the claim to a water right which was received in this office yesterday.

P

Very truly yours,

Y

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4018

Notice is hereby given that Lloyd B. Peterson

Rt. 3, Box 59, Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.40 cubic feet per second ~~acre feet per annum~~

of water from a spring tributary of Bear River

with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M.,

Franklin County;

The water is claimed to be used from Apr. 1 to Oct. 15 for the irri-
gation of 23.7 acres

with a priority of April 1, 1882;

the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sed. 9, T. 15S, R. 39E, 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 Preston Citizen, Preston, Idaho

on October 17 and October 24, 1974

ABP
aw-A.

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 11, 1974

Re: Application for Permit No. 13-7085 Rank
Claim to a Water Right No. 13-4018 Peterson

The Preston Citizen
Box 472
Preston, ID 83263

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 11-6-74 by MB

RDC:MB

Enc: Legal Notices (2)

November 4, 1974

RE: Application for Permit No. 13-7085 Rank
Claim to a Water Right No. 13-4018 Peterson

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with each of the above referenced applications. The legal notices were to have been published in your paper on October 17 and October 24, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

November 6, 1974

RE: Claim to a Water Right No. 13-4018

Mr. Lloyd E. Peterson
Route #3, Box 59
Preston, ID 83263

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:MB

Enc: Copy of claim

