

JAN 30 2012

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-4046
Date Received: 3/23/1989
Receipt No: E006412 &
C089315
Received By: MWH

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DALE DAW Phone: (208) 390-6081
2650 E 300 N
ST ANTHONY ID USA 83445

2. Date of Priority: 04/01/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	41E	20	SW SW	FREMONT	
07N	41E	20	SW SE	FREMONT	

5. Description of diverting works:

PUMPS, PIPELINE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	7.15	

7. Total Quantity Appropriated is:
7.15 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	41E	20	SW NE	IRRIGATION	21

SW	NW	IRRIGATION	0.5
SE	NW	IRRIGATION	18
NE	SW	IRRIGATION	29
NW	SW	IRRIGATION	27
SW	SW	IRRIGATION	34
SE	SW	IRRIGATION	33
NE	SE	IRRIGATION	38
NW	SE	IRRIGATION	38
SW	SE	IRRIGATION	31
SE	SE	IRRIGATION	32

Section Acres 301.5

07N	41E	21	SW	SW	IRRIGATION	3.1
			SE	SW	IRRIGATION	40

Section Acres 43.1

07N	41E	28	NW	NE	IRRIGATION	4.4
			NE	NW	IRRIGATION	8.5

Section Acres 12.9

Total Acres 357.5

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Awaiting acceptance of amended claim by SRBA Court.

15. Basis of Claim: Beneficial Use

16. Signature(s)

9

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Pat Pa Date: 1-26-2012

Date:

State of Idaho)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26th
of January 2012



Jonie M. Bagg
Notary Public

Residing at aldaho Falls

My commission Expires July 24, 2013



Idaho Department of Water Resources

Adjudication Claim
22-4046
(IRRIGATION)

● Point of Diversion

Place of Use

State Outline

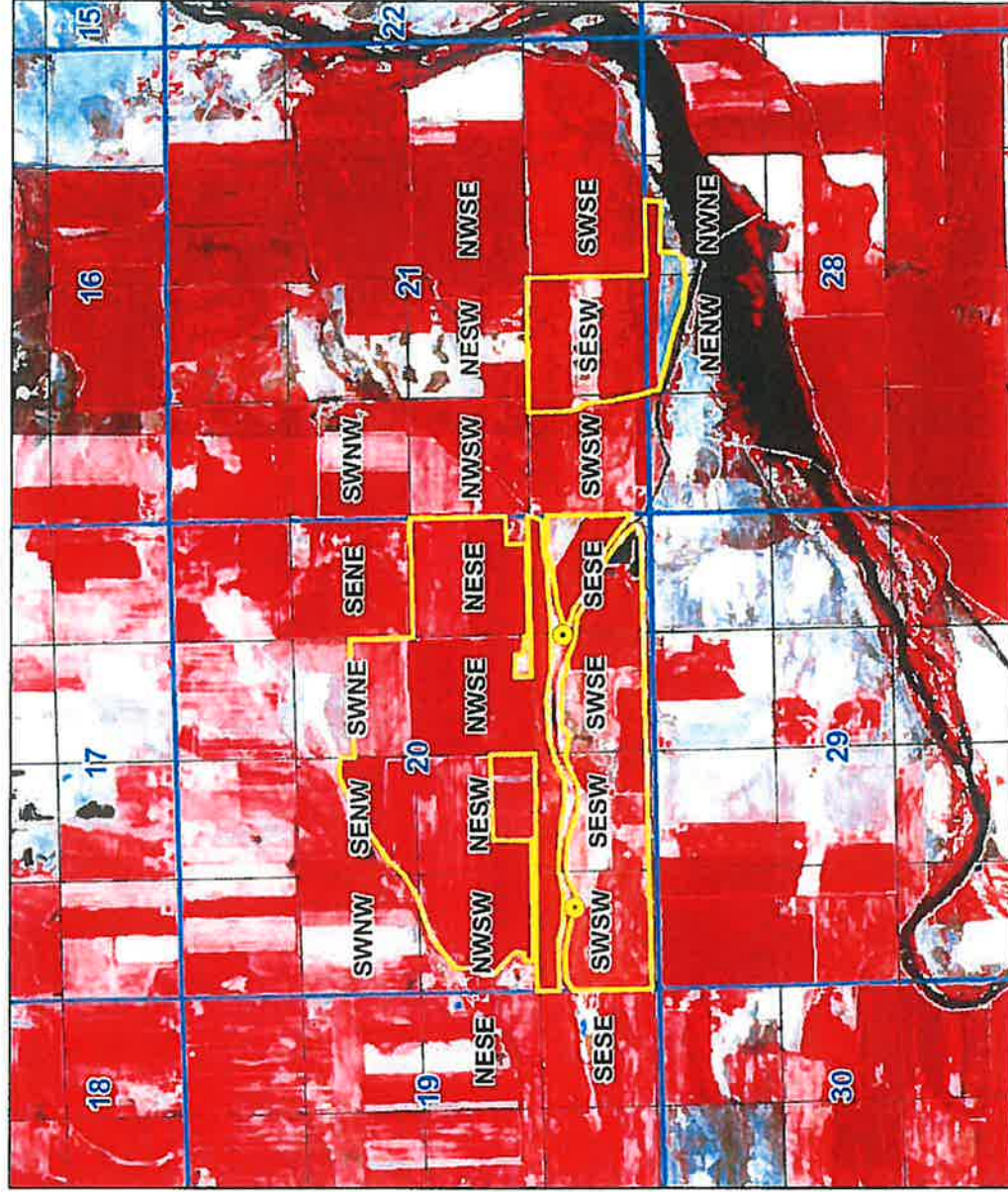
Townships

PLS Sections

Quarter Quarters



R41E



20N

Fremont County
IDWR Basin 22

Prepared by Holliday, Michael
On January 26, 2012
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A22-04046**
Date Received: 3/23/1989
Receipt No: E006412
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: CLINTON H PETERSON
Address: 226 N 2500 E
ST. ANTHONY ID

208-458-4203

83445

AND

Name: ELVA PETERSON
Address: 226 N 2500 E
ST. ANTHONY ID

208-458-4203

83445

2. Date of Priority: MAY 10, 1946

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	20	NW	SW			FREMONT
			SW	SW			FREMONT
			SW	SE			FREMONT

5. Description of diverting works:
PUMPS, PIPELINE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/30	3.500		
INDUSTRIAL	01/01	12/31	0.500		
DOMESTIC	01/01	12/31	0.040		
RECREATION	01/01	12/31	0.500		

7. Total Quantity Appropriated is:
8.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

I/FLUME, WASH & SORT POTATOES. R/SWIMMING & ICE SKATING, STOCK

MICROFILMED
NOV 06 2000
SCANNED
JUL 14 2010

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	41E	20	NE		SW		IRR	5.0
			NW		SW		IRR	8.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 173.0

Total Acres 173.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
TETON RIVER WATER

14. Remarks:

P/D NWSW S20 T7N R41E.

AT LEAST 3,000 ACRE FEET OF WATER HAS BEEN USED ON THE S1/2 OF SEC. 20 EVERY YEAR SINCE 1884. NEARLY ALL OF IT SANK INTO THE UNDERGROUND AQUIFER. WE BOUGHT THE WATER WITH THE FARM AND CLAIM ALL THE WATER UNDER THE S1/2 OF SEC. 20 T7NR41E.
CHANGED OWNERSHIP 11/01/94/JT/GT

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 06 1996

WARRANTY DEED

Microfilm No. 472088
17th Day December 20 01
At 14:35 O'clock P M
ABBIE MACE
FREMONT CO. RECORDER
\$ 3.00
Recorded at request of
Trent Jensen

Order No.:

FOR VALUE RECEIVED

CLINTON H. PETERSON and ELVA PETERSON, Trustees, or their successors in trust, under the CLINTON H. AND ELVA PETERSON LIVING TRUST, dated June 14, 1996, and any amendments thereto

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

TRENT JENSEN, an unmarried person, and ELVA PETERSON

whose current address is

PO BOX 425
St. Anthony ID 83445

the grantee(s), the following described premises, in Fremont County, Idaho, TO WIT:

The South Half of the South Half of Section 20, Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho.

Containing 160 acres, more or less. Together with 10 shares of the capital stock of the Wilford Canal Co., 10 shares of the capital stock of Fall River Canal Co., and 80 acre feet of Fremont-Madison decreed irrigation water.

TOGETHER with any and all improvements and appurtenances thereof belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 11, 2001

Clinton H. Peterson
Clinton H. Peterson, Trustee

Elva Peterson
Elva Peterson, Trustee

State of Idaho

}
}ss.

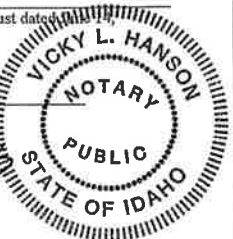
County of Madison

On this 11th December 2001, before me, a Notary Public in and for said state, personally appeared Clinton H. Peterson

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as trustee of the Living Trust dated June 14, 1996, and acknowledged to me that he/she/they executed the same as such trustee.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Vicky L. Hanson
Notary Public for the State of Idaho
Residing at: St Anthony ID
Commission Expires: 10-18-2003



State of Idaho

}
}ss.

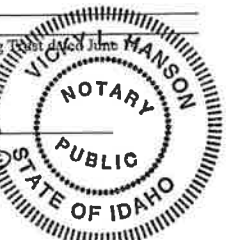
County of Madison

On this 17th December 2001, before me, a Notary Public in and for said state, personally appeared Elva Peterson

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as trustee of the Living Trust dated June 14, 1996, and acknowledged to me that he/she/they executed the same as such trustee.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Vicky L. Hanson
Notary Public for the State of Idaho
Residing at: St Anthony ID
Commission Expires: 10-18-2003



This instrument filed
as an accommodation only.
It has not been examined
as to its execution, insurability
or effect on title.



ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

Order No.: 3040826779LH

FOR VALUE RECEIVED

Trent Jensen, an unmarried person

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Dale Daw and Brandi Daw, Husband and Wife

whose current address is

2650 E. 300 W. St. Athony, ID 83445

the grantee(s), the following described premises, in Fremont County, Idaho, TO WIT:

Commencing at the Southeast corner of Section 20, Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho, and running thence West 1740 feet along the South line of said Section 20; thence North 1036.5 feet, more or less, to the centerline of the North Branch of the Wilford Canal; thence Southeasterly along the centerline of said canal to a point on the East line of said Section 20; thence South along the East line of said Section 20, 162 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6-11-08

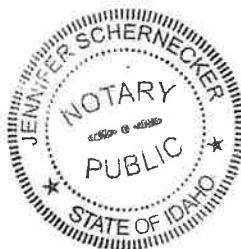
Trent Jensen
Trent Jensen

State of Idaho

County of Madison

On this 11 day of June, in the year 2008, before me, a Notary Public in and for said state, personally appeared Trent Jensen known or identified 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 the day and year first above written.



Jennifer Scherneck
Notary Public for the State of Idaho

Residing at:

Commission Expires:

Residing in Rigby, Idaho

Commission Expires: 07-15-2009

Microfilm No. 517211
At 4:15 Day June 2008
ABBE MACE
FREMONT CO RECORDER
Fee \$ 5 Deputy
Recorded at Request of
ALLIANCE TITLE & ESCROW

Warranty Deed

For Value Received

TRENT JENSEN, an unmarried person, and ELVA PETERSON

the grantor, do hereby grant, bargain, sell and convey unto

TRENT JENSEN,

whose current address is

221 N. 2600 E. ST. ANTHONY ID. 83445

the grantee, the following described premises, in FREMONT County Idaho, to wit:

The South half of the South Half of Section 20, Township 7 North, Range 41 EAST, Boise Meridian, FREMONT County, IDAHO.

Containing 160 ACRES, more or less. Together with 10 shares of the capital stock of the Wilford Canal Co., 10 shares of the Capital stock of Fall River Canal Co., and 80 acre feet of Fremont-Madison decreed irrigation water.

Together with any and all improvements and appurtenances thereof belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 5th 2007

Trent Jensen

Elva Peterson

STATE OF IDAHO, COUNTY OF

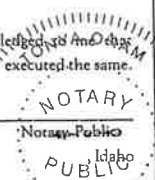
On this 5th day of December, 2007, before me, a notary public in and for said State, personally appeared

Trent Jensen
Elva Peterson

known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

[Signature]

Residing at Rigby Idaho
Comm. Expires 10-14-09



Microfilm No. 514291
5 Day 2007

At 12:07 O'Clock P M

ABBIE MACE
FREMONT CO RECORDER

Fee \$ 3.00 Deputy

Recorded at Request of

Trent Jensen

WILFORD IRRIGATION & MANUFACTURING
Annual Stockholders Meeting

PLACE: Fremont County Courthouse (courtroom)
TIME: 7 P.M.
DATE: Feb. 27 2006 (Monday)

Please try to attend. If you cannot attend, return this letter as

a Proxy to Brant Kerbs, Harry Kennedy, Kevin Daw, Max

Dayton, or John S. Pocock, so your shares are counted and voted

for. *Trent Jensen is the New Owner of my
Ten Shares of John River Water*

If not attending sign this
proxy *Trent Jensen*

Give To The Stockholder Who Will Vote Your Shares
Name of Voter

Thank you for your cooperation
John S. Pocock Secretary
4483 E. 2000 N.
Sugar City, ID
83448

P.S. Everyone should attend the North Fork Water Users
Protective Association's meeting Saturday, March, 4 2006, at 1:00
pm at the Fremont County Courthouse in St. Anthony.

02/17/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-4046

NAME AND ADDRESS: DALE DAW
2650 E 300 N
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.110 CFS
1,244.00 AFY

PRIORITY DATE: 04/01/1962

POINT OF
DIVERSION: T07N R41E S20 SWSW Within FREMONT County
T07N R41E S20 SWSE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	7.110 CFS 1,244.00 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T07N R41E S20	SWNE	21.00	T07N R41E S20	SWNW	0.50
T07N R41E S20	SENE	18.00	T07N R41E S20	NESW	29.00
T07N R41E S20	NWSW	27.00	T07N R41E S20	SWSW	33.00
T07N R41E S20	SESW	33.00	T07N R41E S20	NESE	38.00
T07N R41E S20	NWSE	38.00	T07N R41E S20	SWSE	31.00
T07N R41E S20	SESE	31.00	T07N R41E S21	SWSW	3.10
T07N R41E S21	SESW	40.00	T07N R41E S28	NWNE	4.40
T07N R41E S28	NENW	8.50			

355.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Southeast Idaho Canal Co. and Wilford Irrigation & Mfg. Co.

1-25-12

I Erla Daw know that Clint Peterson using his wells to irrigate the land on the map. Started in 1946 he added ground over the years until 1962. on the map it will show A, B, C. Clint's well ^{water} was used to irrigate land in the part of map listed A by 1950 The Peterson farm. Klein ^{Hansen} farm was then added and well water was used to irrigate land in the part of map listed B by 1950 Bishoff and Kubal listed C on the map in 1962.
Erla Daw

STATE OF IDAHO
COUNTY OF FREMONT
CITY OF ST. ANTHONY

On this 25 day of Jan 2012
before me a notary public in and for said State personally
appeared Erla Daw

known to me to be the
(person/persons) whose (name/names) (is/are) subscribed to
instrument and acknowledge to me that (he/she, they)
the same.

Commission expires 12-22-17

Andy Withers
Anthony, Id 8

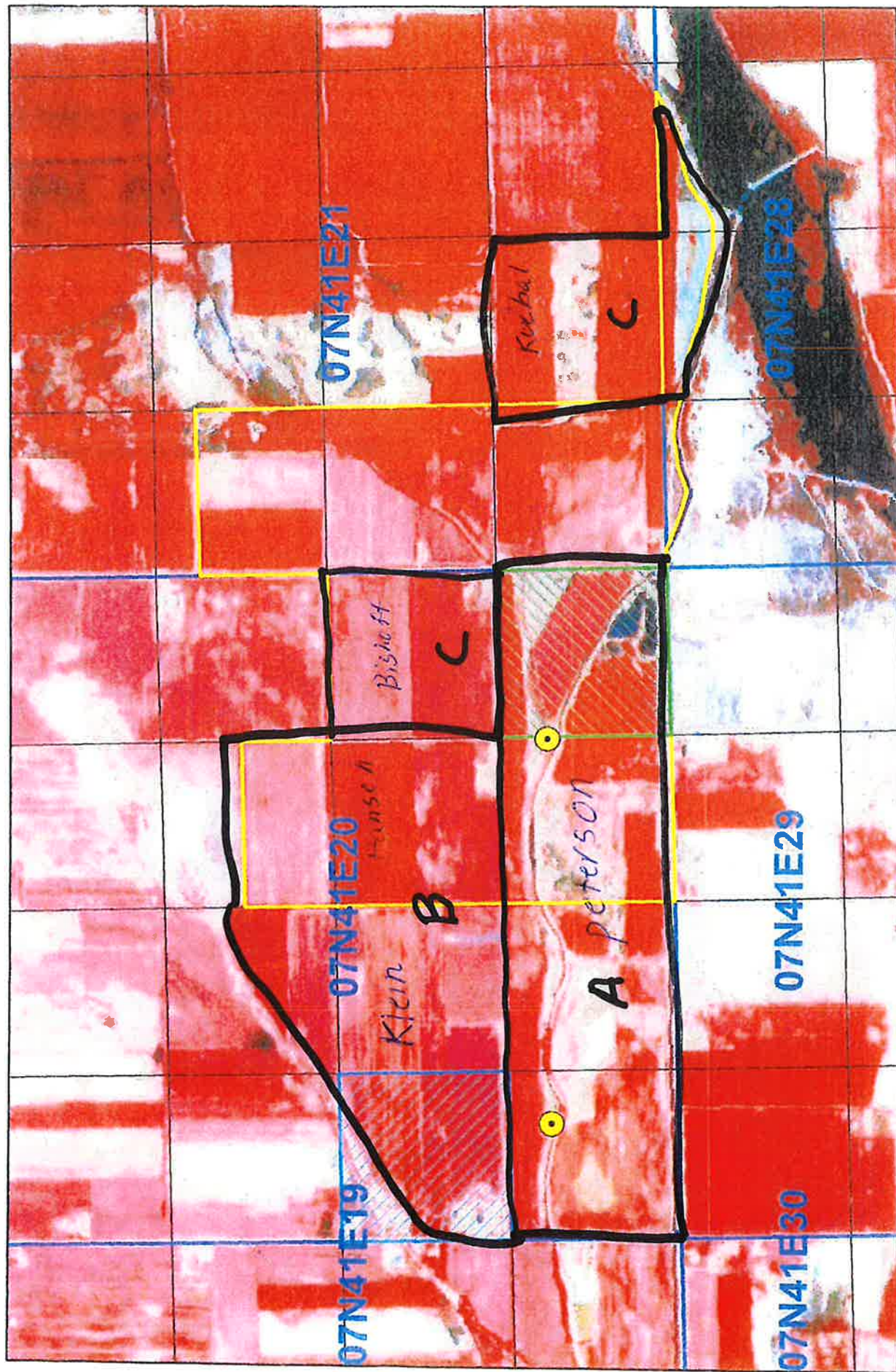
ANDY WITHERS

AS BACKFILE

THROUGH

2/17/2012

ON ^{2nd} January 18 - Send
Final letter for Evidence
- Allow 10 days for response
- Then Dismiss if no
response or insufficient
info.
Ernie said recommend w/1
1955 priority.



1987 Photography

Claim to a Water Right Dale Daw

Legend

Claimed POU  Claimed POD

Purpose

 Irrigation	 Section	 QQ
 Industrial		
 Recreation		



QUITCLAIM DEED

FOR VALUE RECEIVED, Trent Jensen, of 221 North 2600 East, St. Anthony, Idaho 83445, "Grantor" does hereby remise, release and forever QUITCLAIM unto, **Dale Daw and Brandi Daw**, husband and wife, of 2650 East 300 North, St. Anthony, Idaho 83445, all of his interest held, in and to the following described water right in the state of Idaho:

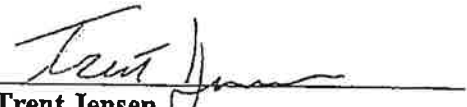
All industrial and irrigation water rights including but not limited to those industrial rights based upon a beneficial use and originally claimed in Idaho Department of Water Resources, Water Right No. 22-4046, with a priority date of 06-01-1958. It being understood that **Grantee intends to pursue said rights and transfer them from the present place of use** described as follows, to-wit:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	41E	20		NESW 5			NWSW 8			SWSW 40			SESW 40	
				SWSE 40			SESE 40							

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

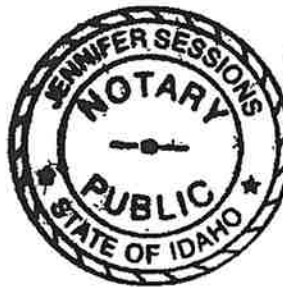
Reserving to Grantor a DOMESTIC well right appurtenant to said Premises located on the lot where his new home is located.

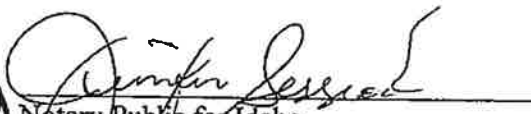
DATED This 18 day of May, 2009.


Trent Jensen

STATE OF IDAHO)
 ss.
COUNTY OF Fremont)

On this 18th day of May, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Trent Jensen, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at:
My Commission expires:

I Brant Kerbs have no interest
in Water Right 22-4046 that was
claimed on the Clint + Elva Peterson
Farm.

Brant Kerbs

STATE OF IDAHO
COUNTY OF FREMONT
CITY OF ST. ANTHONY

On this 27th day of Jan 2012
before me, a notary public in and for said State personally
appeared Brant Kerbs

known to me to be the
(person/persons) whose (name/names) (is/are) subscribed to
the within instrument and acknowledge to me that (he/she,they)
executed the same.

My Commission expires 6-6-2014
Kelly Greene



In 1946 until 1955

Clint Peterson used the 2-wells located on his farm to sprinkle his potato & grain crops, when the mainline ~~was~~ would not reach the next piece of ground he would open the end of the pipe so it would fill the ditch and then he could use it to flood the ground and use siphon tubes to irrigate the ground. I know he did not use surface water on these places do to at that time you had turns in the canal system and he never had a turn. These two wells one located at East half and one located at west half. He would use 6 lines of 4 in pipe coming off of his 1/2 in mainline 3 ~~1/2~~ 1/4 mile lines going both directions. Where the main line ended he would use siphon tubes for potatoes. He ~~also~~ would use the two wells to irrigate the rest of the farm by running water in a ditch to flood from. when flooding sometimes he would use 6 in siphon tubes on grain while other times he just used dikes. The part of the farm that had wellhead water he would try to flood from canal & sprinkle for potatoes ~~from~~ from the wells. In 1955 Clints brother Dyle joined in on the farm & they basically doubled the operation using the two wells to irrigate the land.

On the map it will show with fields, Clint generally sprinkled potatoes and used siphon tubes. On the grain he almost always flooded the ~~the~~ fields, ~~with~~ the two wells with

were used for that also, Clint rented ground also using these same practices. The map will show all of the fields he used his 2 wells on.

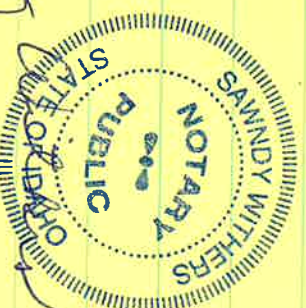
East well drilled in 1946 50 hp
West well drilled in 1947 25 hp

I Erla Dae was married to Dean Dae on Dec 24 1940 and moved next to clint's farm in march of that same year. I also remember hearing that Engine run ~~the~~ well next to my house day after day. To irrigate the farm ground with well water.

I know the ground by names Hansen, Klein, Peterson, Kubel, Dae. The pump on east end has always been bigger than pump on west end.

I would say that when Clint first started farming he was running approx 40-60 Acres of potatoes and approx 120 of grain. when Dyle joined in I would say it jumped to 80-100 acres of potatoes and approx 200 of grain and hay. Map will show better.
I do not know the exact use of water but there was always good crops raised under the well water
Erla Dae

State of Idaho
County of Fremont
Dated 12/31/12



Notary Public: Sawndy Withers

Exp 12-22-17

Sawndy, Ad 83445

1966

CXR-2GG-78

T7N R41E



100-178-74L

Klein

Hansen

Bischoff

peterson

cemetery

TN-41E

Clint peterson

Kubal
rented

potatoes
used
well
here

19 20

20 21

30 29

29 28

SP 1A-37B
-8

SP 1A-37B
-5

SP 1A-37B
-5

Romrell

Mary
Hughes

Max & Lynn
Romrell

Reed Ashcroft
et ux

Y. Dean Daw
et al

DBE

DB

DB

26E

10E

25B