

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: A47-11208
Date Received: 11/03/1988
Receipt No: S003492
Received By: Tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYEL J. BERRY 208-733-5617
Address: RT 4 BOX 7881
TWIN FALLS, ID 83301

AND/OR

Name: NELLIE BERRY 208-733-5617
Address: RT 4 BOX 7881
TWIN FALLS, ID 83301

2. Date of Priority: JAN 01, 1937

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	16E	36	NE	NE	NE		TWIN FALLS

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
COMMERCIAL	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/15 BEEF STOCK, C/1 GROCERY STORE

A47-11208

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Date: 11/03/88

MICROFILMED
MAR 12 1993

10.. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	16E	36			STOCK	
			NE	NE	COMMER	
					DOMEST	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
WELL SUPPLIES WATER TO BERRY'S MARKET, HOUSE, & STOCK.

15. Basis of Claim: BENEFICIAL USE

16.. Signature(s)

(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): Clyde J. Berry Date: 11-3-88
Date:

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of Nov 19 88 Loni White
Notary Public

Seal

Residing at TF
My Commission Expires 5/95

STATE OF IDAHO, COUNTY OF Twin Falls

On this day ^{15th} of March, 1995,
before me, a notary public in and for said State,
personally appeared

attached:

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

Judy Givens
Judy Givens

Notary Public

Residing at
Comm. Expires 7/18/95

, Idaho

NOV 29 1996
-MED

3-15-95

I bought this property (SE 36 T10 R14
E 7.5 A of E 1/2 N E N E) in 1959 with the
well on it.

The old timers told me the well
was drilled in 1937. They are
dead now.

I have used the well for the
store, home, and livestock since
1959. (1959)

of M

Respectfully yours
Clyde J. Berry

RECEIVED

MAR 15 1995

Department of Water Resources
Southern Region

A47-11208

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NOV 29 1996

*GOVERNOR'S OFFICE*
Governor PHILIP E. BATTR. KEITH HIGGINSON
Director

January 10, 1995

A47-11208
CLYEL J. BERRY
NELLIE BERRY
RT 4 BOX 7881
TWIN FALLS

ID 83301

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

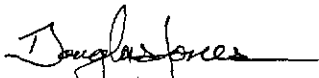
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
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notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

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NOV 29 1996

MARTIN & BERRY

BLANK FURNISHED BY TWIN FALLS TITLE & TRUST COMPANY.

RECEIVED

WARRANTY DEED

For Value Received **STERLING MARTIN and CATHERINE MARTIN, husband and wife,**
MAR 15 1995

Department of Water Resources

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **CLYEL J. BERRY**
and **HILLY BERRY, husband and wife,**

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

That part of the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirty-six (36), Township Ten (10) South, Range Sixteen (16) E. B. M. described as:

BEGINNING at the Northeast corner of Section 36, running
THENCE West along the North line of said Section 36 a distance of 333 feet,
THENCE South to a point 339 feet South of the north line of said section, which is 333 feet west of the East line of said Section 36,
THENCE Southeasterly to a point 1232 feet south of the north line and approximately 177 feet west of the east line of said Section 36,
THENCE East a distance of 177 feet to a point on the east line of said Section,
THENCE North along the east line of said Section 36, 1232 feet to the northeast corner, the place of beginning, EXCEPT the north 33 feet thereof; subject to existing easements over

and across said premises: subject to balance unpaid on principal in the amount of \$7,409.27 on a certain real estate mortgage covering the above described premises made by Clark Brackett and Louise Brackett, husband and wife, to First Federal Savings and Loan Association of Twin Falls, recorded in Book 180 of Mortgages in the office of the County Recorder of Twin Falls County, Idaho; subject also to the unpaid principal balance of \$11,226.53 on a certain Agreement of Sale covering the sale and purchase of the above described premises dated April 30, 1959, made by and between Francis M. Fish and Isla Fish, husband and wife, as Sellers, and Sterling Martin and Catherine Martin, husband and wife, as Buyers; which the Grantees hereby assume and agree to pay as a part of the purchase price for the above described real estate. Said premises are also conveyed subject to taxes and assessments to be levied and assessed for 1960 and subsequent years.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 13, 1959.



Sterling Martin
Catherine Martin

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 13th day of November, 1959, before me, a notary public in and for said State, personally appeared **STERLING MARTIN and CATHERINE MARTIN, husband and wife,**

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

Residing at Twin Falls

Dorothy P. Dalling
Notary Public
Idaho.

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record at the request of

at 30 minutes past 9 o'clock m.,
this 13th day of November, 1959, in my office, and duly recorded in Book 223 of Deeds at page 874

Ex-Officio Recorder

By

Fees \$

Mail to:

Deputy.

Helen Thomas

C. J. Berry
RT 3 TF

Instrument No. 003458