

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: A47-04367A
Date Received: 1/25/1989
Receipt No: C003473
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS J. KAREL 208-543-6794
Address: RT. 3
4360 NORTH 900 EAST
BUHL, ID 83316
2. Date of Priority: JAN 01, 1930
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 09S | 14E | 29 | SE | SE | SE | | 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 | 0.060 | | |
| COMMERCIAL | 01/01 | 12/31 | 0.060 | | |
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/ 2 HOUSEHOLDS, C/ KAREL REFRIGERATION SHOP, BLACK BEAR TAVERN.
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	14E	29				COMMER	

A47-04367A

Page 1

Date: 01/25/89

MICROFILMED

MAR 11 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	29	SE	SE		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:

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A47-04367A

Date Received

10/31/88

Receipt Number

C003473

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) KAREL, FRANCIS J. Phone () 543-6794
Mailing Address Rt 3 4360 N 9000 E Buhl, Id Zip 83316

2. Date of Priority (Only one (1) per claim) 01/01/1930

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 9E Range 14E Section 29,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of TF

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 9E Range 14E Section 29, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. well + pump

MICROFILMED

MAR 11 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Dom purposes from 01/01 to 12/31 amount .06 or _____

For Com purposes from 1/1 to 12/31 amount .06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>9e</u>	<u>14e</u>	<u>29</u>																<u>X</u>	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? TF

12. Do you own the property listed above as place of use? Yes / No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: well supplies water to Black Bear Tavern,
+ 2 homes. The Grocery store has changed
to Karel Refrigeration.

MICROFILMED

Last Name Karel Ident No. _____

Copies: White - State, 1 - 1 1993

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 47-04367
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Co-owner

Title

of Block Bear Corner _____, that I have signed the foregoing
Organization

document in the space below as Co owner of Block Bear Corner
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization Co Owner Block Bear Corner Date 10-31-88

State of Idaho/or _____)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 31st day of Oct 19 88

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

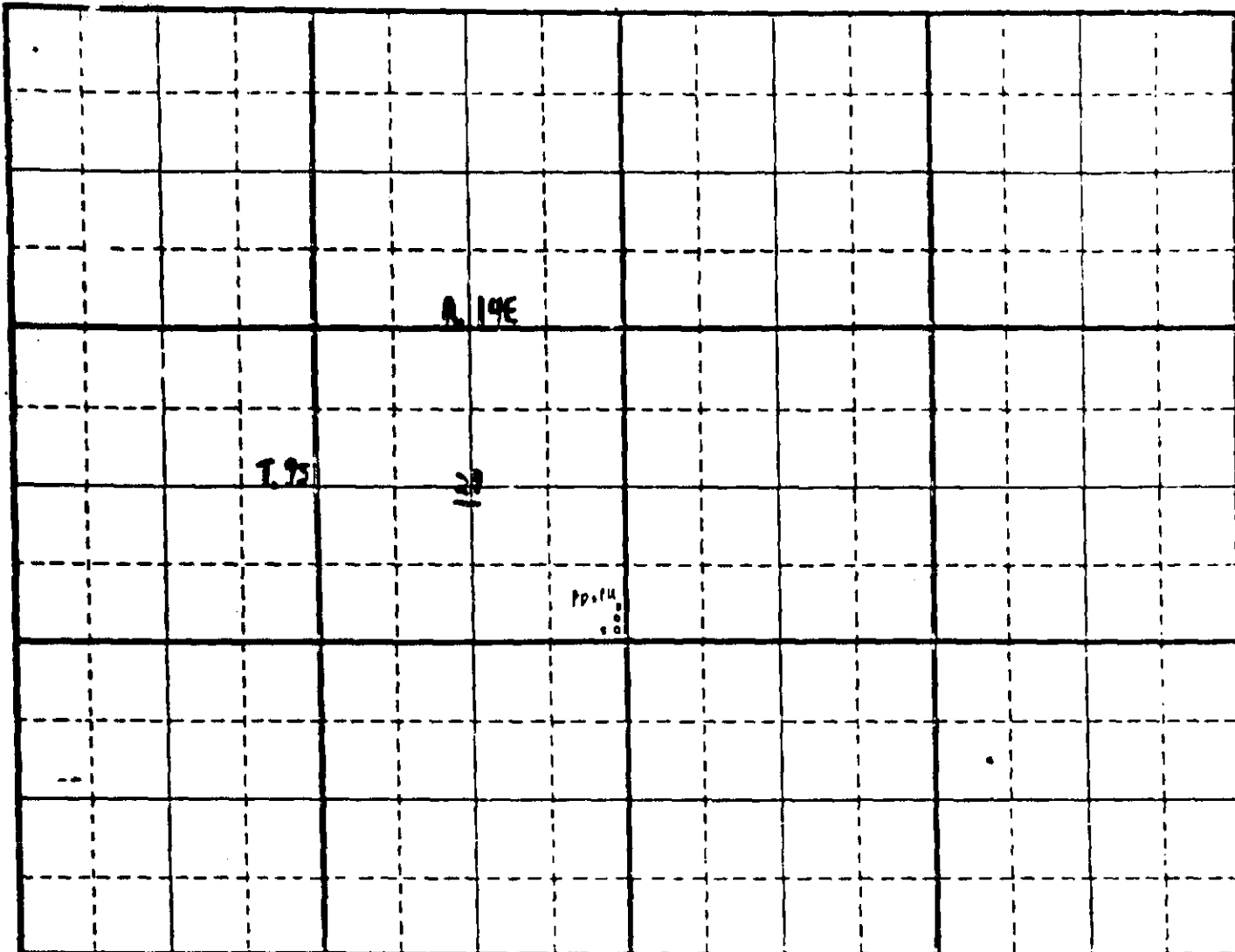
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



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 Twin Falls

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.

Lake Wagon
(Claimant)

Sworn to before me this 20th day of April, 1983.

Loren O. Halmer

Notary Public

Residing at Twin Falls, ID

My commission expires Life

MICROFILMED

MAR 11 1993

FOR DEPARTMENT USE ONLY

Received by
[Signature]

Date 4-30-83
Date 4/22/83

Exception filed by:

Forwarded to
claimant by:

Date

10/27/1988

SRBA CLAIMS RECEIVING CHECK

CLAIMANT'S NAME Karel

CLAIM IDENT. NO.

A 47-04367DATE RECEIVED 10-31-88

CK #

5486

AMOUNT \$

81-②

YES

NO

1. Is the name and address complete with zip code? ✓2. Is a priority date entered? ✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ✓(b) Is a tributary to entered? (if required) N/A ✓4. Is the legal description of the p.d. sufficient? ✓5. Is there a description of the diverting works? ✓6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓Is the period of use included? ✓Is a quantity claimed for each use? ✓7. Is a total quantity claimed entered? ✓8. If required is a consumptive use entered? N/A ✓Is the consumptive use correct? N/A ✓9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A See Remarks ✓10. Is (are) the place(s) of use and purpose(s) indicated? ✓11. Is (are) the county(ies) entered? ✓12. Is the ownership of p.u. checked? ✓13. Are other water rights listed or "none" indicated? ✓14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓15. Is the basis of the claim indicated? ✓16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ✓?Has the claim been signed, sealed, and dated by a notary? ✓Was this claim filed on time, or was an extension granted? ✓Is the fee enclosed correct? ✓Exempt ✓If this claim is based on an existing water right, has the identification number been entered? N/A ✓Should this claim be receipted and data entered? ✓

\$56.00

Claim checked by: CV

Comments:

Dom. use is in 2 HomesCom. use inBlack Bear Tavern

MICROFILMED

MAR 11 1993

6/9/84

COMMUNICATION DOCUMENTATION

Claim No. A47-04367A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 3/9/95

Contact Person(s) Mr. & Mrs. Francis Rabel

Nature of Contact office visit

Substance of Communication they brought in this "deed of interest in well" as evidence of Priority for their claim. I said it seems to provide some evidence for 1955, but if they want to support the claimed priority of 1930 that they will need more evidence. I gave them a couple of blank affidavit forms.

NOV 28 1996

MAR 09 1995

Department of Water Resources
Southern Region

Instrument No 449935

DEED OF INTEREST IN WELL

WHEREAS, we, L E GREEN and AMANDA GREEN, husband and wife, are the owners of a tract of land situated in the South Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) in Section 29, Township 9 South, Range 14 E B M Twin Falls County, more particularly described as follows, to-wit:

Beginning at the Northeast corner of the South Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$); thence running West a distance of 167'; thence running South a distance of 110'; thence running East a distance of 167'; thence running North a distance of 110' to the point of beginning, and

WHEREAS, BIRDIE JANE CORNIE, a divorced woman, of Buhl, Idaho, is the owner of the following described property situated in the South Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) in Section 29, Township 9 South, Range 14 E B M, Twin Falls County, Idaho: commencing at the Southeast corner of Section 29, thence running West a distance of 435'; thence running North a distance of 100'; thence running east a distance of 435'; thence running south a distance of 100' to the point of beginning, and

WHEREAS, DON TEETER and MELBA TEETER, husband and wife, are the owners of the remaining land situated in the South Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 9 South, Range 14, E B M, Twin Falls County, State of Idaho, and

Whereas, there is on the first mentioned tract of land a well, together with pump and engine used in connection therewith, the expense of developing said well and purchase of said pump and engine was borne one-third by us, one-third by Don Teeter and Melba Teeter, husband and wife, and one-third by Birdie Jane Cornie,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That we, L E GREEN and AMANDA GREEN, husband and wife, in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, do hereby grant, sell, and convey unto Don Teeter and Melba Teeter, husband and wife, an undivided one-third interest, and to Birdie Jane Cornie, an undivided one-third interest in and to said well, pump, and engine, and the right to take one-third of the water from said well and to convey such water from said well to their respective tracts of land hereinabove described, hereby granting to them an easement over and across our above described strip of land for conveying such water as aforesaid.

This conveyance is made on the condition that said grantees, their heirs and assigns, shall bear one-third of all expenses connected with the operation of said pump and engine and keeping the same in repair and one-third of all the expense in connection with the maintenance of said well and all things accessory thereto.

This conveyance is intended and shall be construed at all times to be a covenant and agreement running with the lands above described, and shall be a burden upon the land of the grantors, their heirs and assigns forever, and the benefit of this agreement shall run with the lands of the said Don Teeter and Melba Teeter, husband and wife, and Birdie Jane Cornie, a divorced woman, their heirs and assigns forever, subject to the obligations hereinabove imposed.

DATED November 10th, 1955.

L E Green

Amanda Green

RECEIVED

NOV 09 1955

Department of Resources
Southern Region

NOV 28 1955



State of Idaho
DEPARTMENT OF WATER RESOURCES
 Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

A. KEITH HIGGINSON
 Director

January 10, 1995

A47-04367A
 FRANCIS J. KAREL
 RT. 3
 4360 NORTH 900 EAST
 BUHL ID 83316

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.

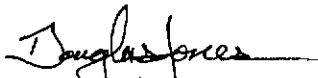
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in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

January 10, 1995
 page 2

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.

NOV 28 1996