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Documents

In File

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: A55-10111
Date Received: 1/13/1989
Receipt No: W002114
Received By: DE SOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WAYNE BERRETT 503-586-2408
Address: BOX 66
JORDAN VALLEY, OR 97910

AND/OR

Name: RUTH BERRETT 503-586-2408
Address: BOX 66
JORDAN VALLEY, OR 97910

2. Date of Priority: JUL 01, 1963

3. Source: SPRINGS Trib. to: POLE BRIDGE CREEK
SPRINGS WILLIAMS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	05W	33	SW	SW			OWYHEE
			SE	SW			OWYHEE
			SE	SE			OWYHEE

5. Description of diverting works:
SPRINGS, TROUGHS, DUG OUT AND FREE FLOWING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 HEAD RANGE

A55-10111

Page 1

Date: 01/30/89

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	33	SW	SW		STOCK	
			SE	SW		STOCK	
			SE	SE		STOCK	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
BLM PRIVATE-320 ALOTTMENT, SAME CATTLE, SAME AREA. LOCATION MAP,
SEE POND WATER RIGHT VA.

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: 39356

Ident. Number ASS-10111

Date Received 1-13-89

Receipt Number W002114

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Wayne & Ruth Bennett Phone (503) 586-2408

Mailing Address Box 66 Jordan Valley, Oregon Zip 97910

2. Date of Priority (Only one (1) per claim) 7/1/1963

3. Source of water supply (a) Springs
which is tributary to (b) Pole Bridge creek & Helliana creek

4. a. Location of existing point of diversion is: Township 75 Range 5W Section 33,

1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: SESW & SWSW Sec 33 T75 R5W.
same P.D & P.O.

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

Township _____ Range _____ Section _____, _____ 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.

Springs - troughs
dug out & free flowing

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1/1 to 12/31 amount .07 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .07 (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.) 5/300/range

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>7S</u>	<u>5W</u>	<u>33</u>											<u>S</u>	<u>S</u>				<u>S</u>	

Total number of acres irrigated _____

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

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 (✓)

14. Remarks:

BLM - Private - 320 allotment
Same cblh - same area
Location map - see Pond water rt. VA.

Last Name Berrett Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper with handwritten annotations. The grid is divided into four 8x8 quadrants by a vertical line between columns 8 and 9, and a horizontal line between rows 8 and 9. Handwritten annotations include:

- 'R5W1' in the top-right quadrant at row 5, column 8.
- '33' in the top-right quadrant at row 8, column 8.
- '4' in the top-left quadrant at row 8, column 4.
- '5' in the bottom-left quadrant at row 12, column 4.
- '5' in the bottom-left quadrant at row 12, column 6.
- '5' in the bottom-left quadrant at row 12, column 8.

33

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 _____

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

✓ Signature of Claimant (s) Wayne L. Berrett Date 12/30/88
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of canyon) SS.

Subscribed and sworn (or affirmed) before me this 30 day of December 19 88

SEAL

Notary Public John K. Moyer

Residing at 15470 Homedale Rd
Caldwell, Idaho

My Commission Expires Sept 21, 1994

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 Wayne L. Berrett

Address Box 166 Jordan Valley (Or)

Date 30 Dec 1988

Last Name Berrett Ident. Number _____

Copies White-State, Yellow-Claimant 2 -

Water Right Number - A55-10111 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BERRETT RUTH 1 - PO BOX 166
2 -
3 -
City- JORDAN VALLEY State- OR Zip- 97910
Phone - 503-586-2408

BERRETT WAYNE 1 - PO BOX 166
2 -
3 -
City- JORDAN VALLEY State- OR Zip- 97910
Phone - 503-586-2408

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

07/01/1963 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - + + - - - - Tributary - - - - - +

SPRINGS POLE BRIDGE CREEK
SPRINGS WILLIAMS CREEK

+ - - - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County
07S	05W	33	SW SW		(73)	OWYHEE
			SE SW		(73)	OWYHEE
			SE SE		(73)	OWYHEE

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.070	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

0.070 0.0

+ - - - - Place of Use - - - - - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	05W	33	SW SW			04	STOCKWATER	(73) OWYHEE
07S	05W	33	SE SW			04	STOCKWATER	(73) OWYHEE
07S	05W	33	SE SE			04	STOCKWATER	(73) OWYHEE

Total Acres:

+ - - Diversion Means - SPRINGS, TROUGHS, DUG OUT AND FREE FLOWING.

+ - - Non-Irrigation Use - S/300 HEAD RANGE

+ - - Other Rights for Same Use - NONE

Water right number - A55-10111

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - - +

BLM PRIVATE-320 ALLOTTMENT, SAME CATTLE, SAME AREA. LOCATION MAP,
SEE POND WATER RIGHT VA.
WE INCORRECTLY LISTED HIS ADDRESS AS PO BOX 66, CORRECTED IT TO
PO BOX 166, PER CONVERSATION WITH MR BERRETT, BY RDH 6/9/92.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

06/12/92 HOWERTON

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 01/28/1989	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - W002114	Water District -
	POU Ownership Flag - N	Federal/State Indicator - S
	Name Connector - AND/OR	Presumption Flag -
		Notice of Error Flag -

CLAIMANT'S NAME BENNETT CLAIM IDENT. NO. ASS-10111

DATE RECEIVED 1-13-89 CK # 611 AMOUNT \$ 175.00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☐	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☐	☐	*
3. (a) Is a source entered?	☐	☐	*
(b) Is a tributary to entered? (if required) <u>N/A</u>	☐	☐	
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? <u>N/A</u>	☐	☐	
Is the consumptive use correct? <u>N/A</u>	☐	☐	
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. <u>N/A</u>	☐	☐	*
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.) <u>N/A</u>	☐	☐	
15. Is the basis of the claim indicated?	☐	☐	
16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.)	☐	☐	
17. Is the claim signed by the claimant, and is the signature appropriate?	☐	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☐	☐	*
19. Was this claim filed on time, or was an extension granted?	☐	☐	*
20. Is the fee enclosed correct? <u>Exempt</u>	☐	☐	*
21. If this claim is based on an existing water right, has the identification number been entered? <u>N/A</u>	☐	☐	
22. Should this claim be receipted and data entered?	☒	☐	

Claim checked by: VERIFIED RDH Date: 1-28-89

Claim must be returned to claimant: (Yes) ☒ (No) ☐

Claimant must be sent a copy of amended claim for approval: (Yes) ☐ (No) ☐

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Checked by: _____ Date: _____

Comments: 25.00

SEP 30 1992

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: POLE BRIDGE CREEK

RIGHT NUMBER: 55-10111A
NAME & ADDRESS: RUTH BERRETT
WAYNE BERRETT
1280 KLAMATH AVE
NYSSA OR 97913
SOURCE: SPRING TRIBUTARY: POLE BRIDGE CREEK
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 07/01/1963
POINT OF DIVERSION: T07S R05W S33 SWSW Within Owyhee County
SESW
SESE
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS
PLACE OF USE: STOCKWATER Within Owyhee County
T07S R05W S33 SWSW
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP0122508 (MORGAN, WALTER)
STOCKWATER, 100 RANGE CATTLE

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP



Please print or type
(see instructions on back of page)

DATE OF CLOSING: 5-31-96

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 5 W, B.M. (See attached copies of
Section 1/4 of 1/4 of 1/4 Govt. Lot 1, B.M. Deeds & Court
Lot 1, Block 1, Subdivision/Townsite 1 Document Decree)
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) **RECEIVED**

[] Water Right Number(s)
Assigned by IDWR: #55-04063 and #55-02161 **JUN 26 1996**

WATER RESOURCES
WESTERN REGION

[] Name and Address of Former Owner/Claimant(s)(Seller): Wayne L. Berrett, deceased
PO Box 366, Jordan Valley, OR 97910
[] New Owner/Claimant (Purchaser): OWEN ORSON BERRETT, RETA MAY HANSEN and DALE L. BERRETT,
as Trustees of THE TESTAMENTARY FAMILY BYPASS TRUST as
provided in THE LAST WILL AND TESTAMENT OF WAYNE L. BERRETT,
Deceased.
[] New Mailing Address: 1280 Klamath Avenue, Nyssa, OR 97913

[] New Telephone Number: (541) 372- 5623

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
an undivided one-half interest

[] Attach proof of ownership, describe proof attached: see attached copies of the Deed & Court Document Decree

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): Reta Hansen, Trustee Date 5-31-96
Dale L. Berrett, Trustee Date 5-31-96
Wayne L. Berrett, Trustee Date 5-31-96
[] Signature of Former Owner/Claimant(s): Ruth B. Berrett Date 5-31-96
Individually and as the
RUTH B. BERRETT, Personal Representative Date

Estate of Wayne L. Berrett, deceased (Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

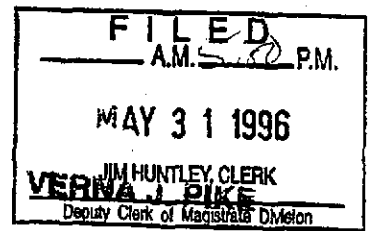
Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



GLENN M. LEE
Attorney at Law
P.O. Box 489
Fruitland, ID 83619-0489
Telephone: (208) 452-4000
Fax: (208) 452-3044

RECEIVED

JUN 26 1996

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

MAGISTRATE DIVISION

In the Matter of the Estate	)	Case No. SP-93-00212
	(	
of	)	
	(	ORDER APPROVING
	)	AMENDED FINAL ACCOUNT
WAYNE L. BERRETT,	(	AND
	)	DECREE OF DISTRIBUTION
Deceased.	(	

The AMENDED PETITION FOR SETTLEMENT AND DISTRIBUTION OF
ESTATE BY PERSONAL REPRESENTATIVE IN ANCILLARY PROBATE having
come before the Court for hearing, the Court makes the following
findings:

1. RUTH B. BERRETT is the duly-appointed, qualified
and acting Personal Representative of the above-named estate.
2. The Personal Representative has filed an Inventory
and Appraisement of all property of the Idaho estate known to
her.

ORDER APPROVING AMENDED FINAL ACCOUNT
AND DECREE OF DISTRIBUTION - 1

COPY

3. Notice to Creditors has been published, and the time for presenting claims that arose prior to the death of the decedent has expired.

4. All debts of the decedent and of the Idaho estate, and all expenses of administration, and all taxes that have attached to or accrued against the Idaho estate have been or will be paid via the Oregon estate.

5. The Personal Representative has filed an Amended Final Account.

6. The Claim Against Estate filed by Richard B. Eismann on behalf of Walter E. Morgan and Grace Morgan, husband and wife, dated December 7, 1993, and Case No. CV-94-00665 were settled via a Stipulation among the parties and was dismissed with prejudice via an Order entered by the Court on February 29, 1996; which Stipulation and Order of Dismissal, with Prejudice, was filed on March 4, 1996; and therefore, the Idaho estate is now in a condition to be closed.

7. Proof of Service of the Notice of the time for filing objections to the Amended Final Account and Amended Petition for Distribution has been filed herein. No objections have been filed.

8. The decedent died testate on the 4th day of February, 1993, and decedent's Will was admitted to probate in the County Court of the State of Oregon, in and for the County of Malheur, on the 11th day of February, 1993, and on the 20th day of August, 1993, certified and authenticated copies of said Will,

Order Admitting Will to Probate and Appointing Personal Representative and Letters Testamentary were filed with this Court pursuant to Idaho Code Section 15-4-204. By the terms of the decedent's Will, the following persons are entitled to distribution of the remaining Idaho estate, to-wit:

OWEN ORSON BERRETT, RETA MAY HANSEN and DALE L. BERRETT, as Trustees of THE TESTAMENTARY FAMILY BYPASS TRUST as provided in THE LAST WILL AND TESTAMENT OF WAYNE L. BERRETT, Deceased.

Parcel I:

All of the right title and interest of the Decedent, being an undivided one-half ($\frac{1}{2}$) interest, in and to the following described real property:

Lands located in Owyhee County, Idaho, as follows:

In Twp. 7 S., R. 5 W., B.M.:

In Sec. 8: SW $\frac{1}{4}$ SE $\frac{1}{4}$, that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South and West of a line running from the Northwest corner thereof in a straight line to the Southeast corner thereof;
In Sec. 17: E $\frac{1}{2}$;
In Sec. 18: E $\frac{1}{2}$ E $\frac{1}{2}$;
In Sec. 19: SW $\frac{1}{4}$ SE $\frac{1}{4}$
In Sec. 20: E $\frac{1}{2}$;
In Sec. 29: W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
In Sec. 30: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
In Sec. 33: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

In Twp. 8 S., R. 5 W., B.M.:

In Sec. 13: S $\frac{1}{2}$ SW $\frac{1}{4}$;
In Sec. 23: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
In Sec. 24: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.

SUBJECT TO that certain MORTGAGE in favor of FARM CREDIT SERVICES, dated October 17, 1991, recorded October 28, 1991, as Instrument No. 206162, Mortgage Records of Owyhee County, Idaho.

Together with all water and water rights, ditches and ditch rights, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection there-

ORDER APPROVING AMENDED FINAL ACCOUNT
AND DECREE OF DISTRIBUTION - 3

with, and the reversions, remainders, rents, issues and profits thereof.

Together with STATE LAND LEASES Nos. G-6068 and G-6070, which leases accompany and are used in connection with the above-described lands (grazing 2,107.24 acres containing 249.00 AUMs) and (grazing 70 acres containing 6.00 AUMs); and, BLM ALLOTMENTS, being Boulder Flat No. 00509 containing 170 AUMs, Pole Bridge No. 00510 containing 56 AUMs and Berrett FFR No. 00609 containing 114 AUMs for a total of 340 AUMs, for which allotments the above-described lands are the base lands.

Together with any timber growing upon the above-described lands.

Parcel II:

All of the right title and interest of the Decedent, being a Community Property [undivided one-half ($\frac{1}{2}$)] interest, in and to the following described real property:

Lands located in Owyhee County, Idaho, as follows:

In Twp. 7 S., R. 5 W., B.M.:

In Sec. 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

In Sec. 8: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and East of a line running from the Northwest corner thereof in a straight line to the Southeast corner thereof;

In Sec. 9: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

In Sec. 16: W $\frac{1}{2}$.

Together with all water and water rights (including IDWR Licenses Nos. 55-04063 and 55-02161), ditches and ditch rights, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

PERSONAL PROPERTY:

That certain Brand, to-wit: Livestock Brand No. 38 209 - D
 $\diamond$ +, located
 upon the left rib (cattle)
 upon the left hip (horses)

IT IS HEREBY ORDERED AND DECREED:

1. The Amended Final Account is allowed and settled.

ORDER APPROVING AMENDED FINAL ACCOUNT
AND DECREE OF DISTRIBUTION - 4

2. The Personal Representative is directed to make distribution of the remaining Idaho estate property hereinabove described, and any other property of the decedent or the estate not now known or discovered, to:

OWEN ORSON BERRETT, RETA MAY HANSEN and DALE L. BERRETT, as Trustees of THE TESTAMENTARY FAMILY BYPASS TRUST as provided in THE LAST WILL AND TESTAMENT OF WAYNE L. BERRETT, Deceased.

DATED this 31st day of May, 1996.

THOMAS J. HAN
Magistrate

MEMORANDUM

April 3, 1998

TO: FILE 55-10111A

FROM: KAY WALKER *KW*

RE: OWNERSHIP

Ruth Berrett called the office on April 2, 1998, wondering what she should do regarding the above referenced claim.

I told her what Peter Anderson told her son at our public meeting in Marsing which was: Take the paper showing the decreed right over to Walter Morgan and give it to him. Since the right was decreed to land owned by Mr. Morgan the Berrett's would have no use for this right. It would then be up to Mr. Morgan to do a change in ownership of the right.

I also told her what Roxanne's thoughts on this matter were which was: talk to the court in Twin Falls and see what they thought should be done to "fix" this right.

AJ0749NP
No. R55-10111A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/17/97
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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUTH BERRETT	07/01/1963	STOCKWATER	01-01 12-31	0.02 CFS	
C	WAYNE BERRETT 1280 KLAMATH AVE NYSSA OR 97913 (541) 372-5623					
TOTAL DIVERSION:					0.02 CFS	

D RUTH BERRETT
D WAYNE BERRETT
PO BOX 166
JORDAN VALLEY OR 97910
(503) 586-2408

Water Source: SPRING

Tributary to: POLE BRIDGE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R05W S33 SWSW SESW SESE OWYHEE County

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE													
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac
07S	05W	33	:								:							:						:				

POU County: OWYHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-10111 A55-10111

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP0122508 (MORGAN, WALTER)
STOCKWATER, 100 RANGE CATTLE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

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IDAHO DEPARTMENT OF WATER RESOURCES
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Comments: Date: 10/02/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
BLM PRIVATE-320 ALOTMENT, SAME CATTLE, SAME AREA. LOCATION MAP,
SEE POND WATER RIGHT VA.
WE INCORRECTLY LISTED HIS ADDRESS AS PO BOX 66, CORRECTED IT TO
PO BOX 166, PER CONVERSATION WITH MR BERRETT, BY RDH 6/9/92.

Date: 04/03/1997 User-ID: STK-DSHA Subject: D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Date: 11/17/1997 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
OWNERSHIP CHANGE.

Audit: 11/17/97 DBUFFING



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Ruth Berrett
Wayne Berrett
1280 Klamath Ave
Nyssa OR 97913

Re: Original Water Right No. 55-10111

Renumbered to Water Right No. 55-10111A

Dear Mr. & Mrs. Berrett:

We have received and processed a Change of Ownership for a portion of your original Water Right Number as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office.

If you have any questions concerning this ownership change, or the enclosed water right copy, please feel free to contact this office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosures

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

In Re SRBA) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
Case No. 39576)
) Water Right 55-10111
)

IDWR has completed the following Administrative Proceeding:

<u> </u>	Change of Address
<u>X</u>	Substitution of Party
<u> </u>	I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☒ No

Water Right(s): 55-10111

From (Claimant/Seller):

Water Right Number: 55-10111

Name of Claimant: RUTH BERRETT
WAYNE BERRETT
Address: PO BOX 166
JORDAN VALLEY OR 97910
Phone: (503) 586-2408

To (Claimant/Purchaser):

Water Right Number: 55-10111A

Name of Claimant: RUTH BERRETT
WAYNE BERRETT
Address: 1280 KLAMATH AVE
NYSSA OR 97913
Phone: (541) 372-5623

Water Right Number: 55-10111B

Name of Claimant: RUTH B BERRETT
Address: 1280 KLAMATH AVE
NYSSA OR 97913
Phone: (541) 372-5623

Name of Claimant: THE TESTAMENTARY FAMILY BYPASS TRUST
Address: DALE L BERRETT TRUSTEE
1280 KLAMATH AVE
NYSSA OR 97913
Phone: (541) 372-5623

Name of Claimant: THE TESTAMENTARY FAMILY BYPASS TRUST
Address: OWEN ORSON BERRETT TRUSTEE
1280 KLAMATH AVE
NYSSA OR 97913
Phone: (541) 372-5623

Name of Claimant: THE TESTAMENTARY FAMILY BYPASS TRUST
Address: RETA MAY HANSEN TRUSTEE
1280 KLAMATH AVE
NYSSA OR 97913
Phone: (541) 372-5623

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 25, 1997



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-25-97 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

RUTH BERRETT
WAYNE BERRETT
PO BOX 166
JORDAN VALLEY OR 97910
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

RUTH BERRETT
WAYNE BERRETT
1280 KLAMATH AVE
NYSSA OR 97913

RUTH B BERRETT
1280 KLAMATH AVE
NYSSA OR 97913

THE TESTAMENTARY FAMILY BYPASS TRUST
DALE L BERRETT TRUSTEE
1280 KLAMATH AVE
NYSSA OR 97913

THE TESTAMENTARY FAMILY BYPASS TRUST
OWEN ORSON BERRETT TRUSTEE
1280 KLAMATH AVE
NYSSA OR 97913

THE TESTAMENTARY FAMILY BYPASS TRUST
RETA MAY HANSEN TRUSTEE
1280 KLAMATH AVE
NYSSA OR 97913

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
11/25/1997

55-10111

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4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Denise Bullington
Signature of person or attorney mailing the form

SEE ORIGINAL CLAIM FILE DOCUMENTS IN

CLAIM NO. A55-10111