

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: A85-02173A
Date Received: 1/20/1989
Receipt No: M002641 \$169⁰⁰
Received By: Rdt

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHERRY LANE RANCHES INC. 208-276-3342
Address: % DARRELL C. KERBY
BOX 109
LENORE, ID 83541

2. Date of Priority: APR 08, 1947

3. Source: CLEARWATER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
37N	03W	34	NW	SE	NE		NEZ PERCE

5. Description of diverting works:
50 HP. PUMP ADJACENT TO RIVER WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.640		

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

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
37N	03W	34	SE	NE		IRR	6.0
			NE	SW		IRR	3.0

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Date: 02/08/89

MICROFILMED

APR 25 1983

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
37N	03W	34	SE	SW		IRR	4.0
Section Acres							13.0
Total Acres							13.0

11. Place of use in counties: NEZ PERCE

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

13. Other Water Rights Used:
A8604006.

14. Remarks:

THIS RT. IS A PORTION OF 8502173 OR APPROX. 40% OF THIS RT.
THIS CLAIM AMENDS THE FIRST ADJUDICATION CLAIM. THE FIRST CLAIM
WAS FOR 15% OF THE ORIGINAL RT.
THIS WATER RT. IS USED JOINTLY WITH A86-04006 ON 56 ACRES OF
IRRIGATED LAND. TOTAL IRRIGATED LAND IS 69 ACRES. ALL WATER
RUNS IN A COMMON SYSTEM.

15. Basis of Claim: LICENSE
Water Right Number: 20045

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 Organizations:

I do solemnly swear or affirm that I am President of Cherry Lane Ranches Inc. that I have signed the foregoing document in the space below as President of Cherry Lane Ranches Inc. and that the statements contained in the foregoing document are true and correct.

Danell Kirby
Signature of Authorized Agent

President Cherry Lane Ranches Inc.
Title and Organization

Feb 8, 1989
Date

State of Idaho)
County of Nez Perce) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of February 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

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: A85-02173A
Date Received: 1/19/1989
Receipt No: MO02641
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHERRY LANE RANCHES INC. 208-276-3342
Address: % DARRELL C. KERBY
BOX 109
LENORE, ID 83541

2. Date of Priority: APR 08, 1947

3. Source: CLEARWATER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

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37N	03W	34	NW	SE	NE		NEZ PERCE

5. Description of diverting works:
50 HP. PUMP ADJACENT TO RIVER WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.240		

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

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
37N	03W	34	SE	NE		IRR	6.0
			NE	SW		IRR	3.0

A85-02173A

Page 1

Date: 01/19/89

MICROFILMED
APR 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
37N	03W	34	SE	SW		IRR	4.0
Section Acres							13.0
Total Acres							13.0

11. Place of use in counties: NEZ PERCE

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

13. Other Water Rights Used:
A8604006.

14. Remarks:
THIS RT. IS A PORTION OF 8502173 OR APPROX. 15% OF THIS RT.

15. Basis of Claim: LICENSE
Water Right Number: 20045

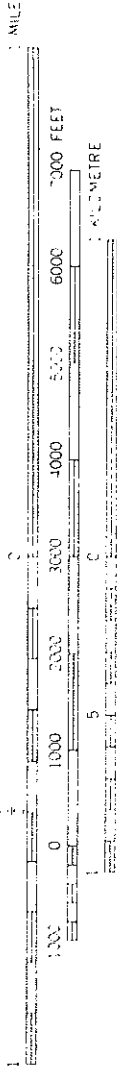
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

AR 20



322 323 324 325 326

SCALE 1:24,000



MICROFILMED
APR 25 1993

A85-02173A

11/29/2004

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

RIGHT NUMBER: 85-2173A

NAME AND ADDRESS: CHERRYLANE RANCHES INC
19022 KERBY LN
LENORE ID 83541

SOURCE: CLEARWATER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.290 CFS

PRIORITY DATE: 04/08/1947

POINT OF DIVERSION:

T37N R03W S34 NWSENE Within NEZ PERCE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

02/15 11/30

1.290 CFS

PLACE OF USE: IRRIGATION Within NEZ PERCE County

T37N R03W S26 Lot 5 SWSW	0.1	T37N R03W S26 Lot 5 SESW	1.6
T37N R03W S34 Lot 3 NENE	3.6	T37N R03W S34 Lot 4 SENE	23.0
T37N R03W S35 NENW	3.3	T37N R03W S35 Lot 1 NWNW	25.0
T37N R03W S35 SWNW	11.0		

67.6 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: License

State of Idaho

License and Certificate of Water Right

Water License No. 20045

Amount 1.604 second feet

Water District No.

Priority April 8, 1947

THIS IS TO CERTIFY that CHARLES KERBY of Julesetts, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 8, 1947; that Permit No. 20045 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.604 second feet, was issued thereunder on June 2, 1947, showing that said works were completed on the 23rd day of May, 1947; and that on the 29th day of December, 1947,

CHARLES KERBY of Julesetts, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Clearwater River, a tributary of , for the purpose of Irrigation, under Use Permit No. 20045 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4465, on the 16th day of March, 1949;

The right hereby confirmed dates from April 8, 1947;

The Point of Diversion ^{are} located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 34, Tp. 37 N., R. 3 W., B. M. Nez Perce County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.604 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
37 H.	3 W.	26	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7	7
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	8	8
		34	SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	26
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	7	--
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	--
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	27	--
		35	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2	--
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	8	8
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	22	22
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	13	13
Number of Acres Actually Irrigated					84

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of March, 1949.

(SEAL)

MARK R. KULP

State Reclamation Engineer

0.25

~~86-2017~~

85-2173

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20045

This proof is for Beneficial use

In Water District No.

1. Name of applicant Charles Kerby, Juliaetta, Idaho
2. Source of water supply: Clearwater River
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34
T. 37 N. R. 3 W. County of Nez Perce
4. Describe works as they exist, giving dimensions and capacities of same: Point of diversion No. I...
is equipped with two intake pipes of 70 feet length X 5 inch diameter each being
connected to to motor driven centrifugal pumps, both of which discharge into a common
main pipe line of 1000 feet length X 6 inch diameter to a "T" joint and two way laterals.
Motors are of 1750 R.P.M.; 230 volts; 43 amps.; 60 cycles.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres
under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34;
NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35;
All in Twp. 37 North, Range 3 West, B.M.

(Submit map on attached plat, showing location and details of above description.)

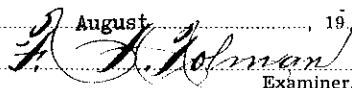
8. What large stream would the water here appropriated finally reach? Columbia River

Remarks:

The proposed diversion at point No. I not installed. The owner was absent at time
of this examination.

This examination was made on the 25th day of August, 1948

(Signed)


Examiner.

20045

