

RECEIVED

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

Department of Water Resources

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

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39356

85-15326

9/18/00

NO13955

NO13960

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 4 - 2000

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Cherrylane Ranches, Inc. Phone (208) 746-9891 Day 276-3343 Evening
Mailing Address Route 1, Box 109, Lenore Idaho Zip 83541

2. Date of Priority (Only one (1) per claim) 1950, June 1

3. Source of water supply (a) Ground Water Developed Spring
which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 37N Range 3 W.B.M. Section 35,
N $\frac{1}{4}$ of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Nez Perce

Additional points of diversion if any: Second well approximately 200' south, developed spring $\frac{1}{4}$ mile south

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.

A developed spring originally provided all domestic and stockwater to the farmstead. In 1950, a well (60 feet deep) was drilled to supplement the spring. A second well (300 feet deep) was drilled nearby in 1987. Both wells and the spring supply water to a 30,000 gallon reservoir built in 1970. Water is gravity fed through a 4-inch supply line to the farmstead from the reservoir.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan. 1 to Dec. 31 amount .02 or _____

For Irrigation purposes from March 1 to Oct. 31 amount .11 or 28.5

For Stock Water purposes from Jan. 1 to Dec. 31 amount .07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .20 (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.) Domestic water serves 3 residences. Stockwater up to 300 cow/calf pairs.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
37N	3W	35	2				2												4
		35	D				D												
		35	S				S												
37N	3W	26															3		3
		26												D			D		
		26												S			S		

Total number of acres irrigated 7

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

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

Last Name Cherry Lane Ranches Ident No. _____

Copies: White -State, Yellow-Claimant

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 2 - Map & Letter

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 _____

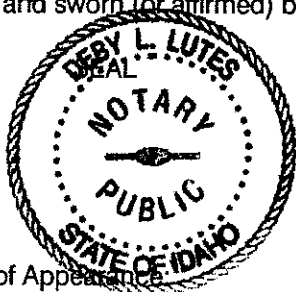
For Organizations: I do solemnly swear or affirm that I am Vice-President
Title
of Cherrylane Ranches, Inc., that I have signed the foregoing
Organization
document in the space below as Vice-President of Cherrylane Ranches, Inc.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don A. Kuby

Title and Organization Vice President, Cherrylane Ranches, Inc. Date September 14, 2000

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

Subscribed and sworn (or affirmed) before me this 15th day of September 19 00



Notary Public Debby L. Lutes

Residing at Charleston, WA

My Commission Expires 3/8/06

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 Cherrylane Ranches Ident. Number _____

Copies White-State, Yellow-Claimant

Memorandum

Cherry Lane Ranches
Donnell Kerby
A85-2173A - license
claimed in AS 85-4445 stat. clm
by Don Kerby
Chs + Pearl Kerby

To: Dept of Water Resources
From: Don Kerby, Cherrylane Ranches Inc.
Date: September 15, 2000
Re: Water Rights

Please find enclosed an application and check for an application or Notice of Claim to Water Right, as well as a topography map of the area. While researching our water rights, I found that neither my grandparents nor my parents had ever filed a claim for water rights on our farmstead area. While we have water rights for irrigation out of the Clearwater River, no one had ever secured water rights for domestic water, stock water, or irrigation of the farmstead. Therefore I am submitting this application.

My grandparents acquired this ranch in about 1940 and at that time the water for the farmstead came from a developed spring up on the hillside which had been the primary water supply for several decades. In 1950, they drilled a well, approximately 80 feet deep on the farmstead to supplement the spring water. The well along with the spring provided water for 3 residences, stock water for cattle and horses, and irrigation around the farmstead. In 1970, a 30,000 gallon concrete reservoir was constructed on the hill to store water for peak demands and higher water pressure. In 1987, another well, about 300 feet deep, was drilled 200 feet southeast of the other. The new well was drilled as an exploratory well when BPA and the Nez Perce Tribe were looking for a water source for a fish hatchery. We dropped a pump in this well too since it produces a high volume of good quality water. Currently, the spring, and both wells are all tied together and can all supply water to the farmstead.

Although the priority on the spring is probably prior to 1919 according to long term area residents, I am requesting a priority date of 1950 because that is the date that the first well was drilled and the ranch began consuming much more water.

The farmstead was used as a dairy facility, with peak milking herd of 225 head plus dry cows, replacements, calves, beef cattle and a few head of horses, the equivalent of 350 - 375 animals. Currently we are feeding cow / calf pairs and have capacity for up to 300 pairs.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Cherrylane Ranches, Inc.
C/O Don Kerby
Rt. 1, Box 109
Lenore, ID 83541

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right – Nez Perce County

Dear Mr. Kerby:

We are returning your Notice of Claim to a Water Right because we need your assistance before we can process your claim.

At Item 2, Date of Priority, you wrote 1950. If you do not supply us with a day and month, we will enter your priority date as December 31, 1950. ✓
June 1, 1950

At Item 3, you indicate the Source as Ground Water, yet it appears from your map that the spring is still in use and is piped to the reservoir. If you would like the spring to be an additional source on the claim, you may indicate that at Item 3. ✓
Add Spring

It appears the Notary Public's commission expired March 8, 2000, yet she notarized your claim on September 15, 2000. Please have your signature notarized by a Notary Public with a current commission. ✓
Deby corrected & initialed

Please initial any changes you make to your Notice of Claim.

I have enclosed your two receipts for the filing fees and late fees. You may retain these receipts for your records. Please call us if you have any questions (1/800-451-4129).

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Technical Section

CF:ss:region

Enclosures:

75⁰⁰
32⁰⁰
Receipts #N013955 and #N013960
Notice of Claim to a Water Right

107⁰⁰ - late fee 7 Ac

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Nez Perce

Darrell C. Kerby

being first duly sworn,

deposes and says:

My parents, Charles M. and Pearl Kerby moved to Cherrylane in 1944 and took title to the property in Sections 26,34, and 35 of Twp 37 North, Range 3 West in August of 1945. Prior to that time, there was an old diesel powered pump station located along the river at the extreme eastern end of the Cherrylane flat. The pump station fed an irrigation ditch that ran along the base of the hill for about $\frac{3}{4}$ mile downstream and provided irrigation to the eastern portion of the flat, about 84 acres or so. In the spring of 1947, they began irrigating with sprinklers from a series of pumps out of the river.

My wife, Janet Kerby and I moved here in 1952 and began farming. In 1954 we installed a mainline that provided water the full length of the Cherrylane flat and began irrigating the western portion of the land, approximately 56 acres. At that time, approximately 140 acres were under sprinkler irrigation.

In 1955, we extended electricity to a pump site that provided irrigation to approximately 4 acres now located between highway 12 and the river in section 26. My son, Pat Kerby, now owns that property.

We have continued to deliver water from the river to this land since it was originally developed for irrigation. In 1984 and 1989, approximately 37 acres of irrigated land was sold to Potlatch Corporation with the understanding that they would receive a prorated share of the water rights attached to that land.

Darrell C. Kerby
(Signature)

Subscribed and sworn to before me this 20 day of April, 2004.

Mary Jo Charlo
(Notary Public)

Residing at Idaho

My Commission Expires 4/30/05

