

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 07 2005

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) RIGHT CRAVEY RIVER SYSTEM Phone (208) 726 3270Mailing Address Box 90 Ketchikan, IDAHO Zip 833402. Date of Priority (Only one (1) per claim) JULY 1, 19403. Source of water supply (a) CRAYON CREEK (WELL)
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 2E Section 13,
1/4 1/4 of 1/4 1/4 of 1/4 Govt. Lot, _____ B.M., County of IDAHO

Additional points of diversion if any: _____

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. _____

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from July 1 to Dec 31 amount 0.07 or _____

For IRRIGATION purposes from May 1 to Oct 31 amount 0.07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from 0.07 to _____ amount _____ or _____

7. Total quantity claimed (a) 0.07 (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.) 1/7 Houses

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	
<u>4N</u>	<u>18E</u>	<u>18S</u>												<u>D</u>					<u>2</u>
<u>4N</u>	<u>18E</u>	<u>19S</u>												<u>D</u>					

Total number of acres irrigated 2 211. In which county (ies) are lands listed above as place of use located? H/BLADE

12. Do you own the property listed above as place of use? Yes _____ No X

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:

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

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

Signature of Claimant (s) Linda M. Vinagre

Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am SECRETARY/TREASURER
 Title

of NIGHT CRAWLER WELL SYSTEM, that I have signed the foregoing
 Organization

document in the space below as SECRETARY/TREASURER of NIGHT CRAWLER WELL SYSTEM
 Title Organization

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

Signature of Authorized Agent Linda M. Vinagre

Title and Organization SECRETARY/TREASURER, NIGHT CRAWLER WELL SYSTEM Date SEPT 1, 1988

State of Idaho/or _____)
 County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day of Sept 19 88

Notary Public Allen B. Martin

Residing at Kimberly, Id

My Commission Expires 6/30/94

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 _____

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: A37-11272
Date Received: 9/08/1988
Receipt No: 5002096
Received By: ADr

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NIGHT CRAWLER WELL SYSTEM
Address: P.O. BOX 90
KETCHUM, ID

208-726-3270

83340

RECEIVED
JUN 07 2005

Department of Water Resources
Southern Region

2. Date of Priority: JUL 01, 1940

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	18	SW	SE	SW		BLAINE

5. Description of diverting works:
WELL WITH 1 1/2 H.P. PUMPT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.070		
IRRIGATION	04/01	11/01	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:
D/ 7 HOUSEHOLDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	18	SE	SW		IRR DOMEST	2.0

Section Acres 2.0

A37-11272

Page 1

Date: 09/08/88

10. Place of Use: Continued

Total Acres 2.0

11. Place of use in counties: BLAINE

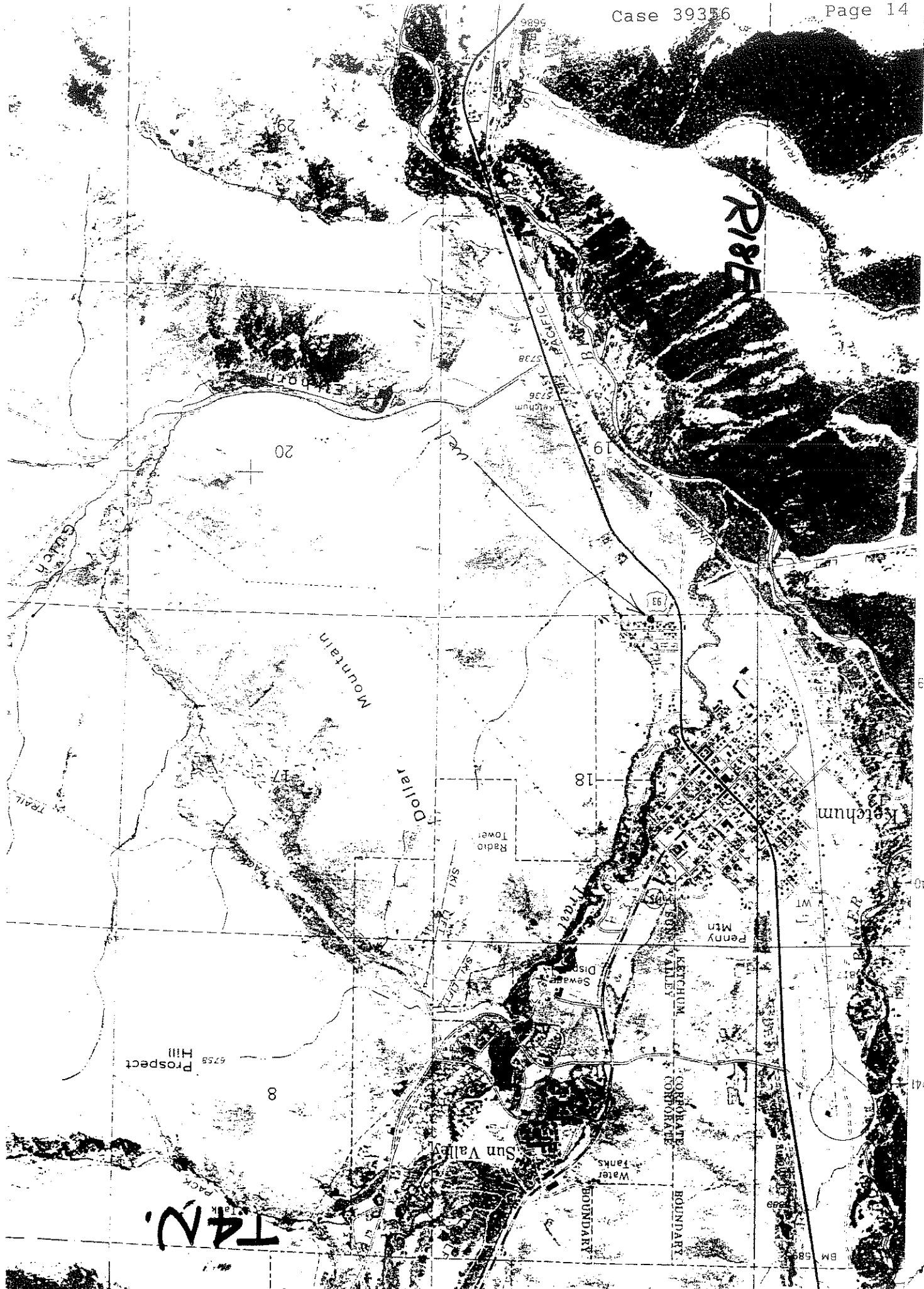
12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

P/U OWNED BY INDIVIDUALS OWNING THE LOTS SERVED BY THE SYSTEM.
SEE ATTACHMENT FOR PRESENT OWNERS OF THE VARIOUS LOTS.

15. Basis of Claim: BENEFICIAL USE



NIGHT CRAWLER WELL SYSTEM

LOCATED AT --4N 18E FR SESW Sec 18

All Properties located in this Section. Well Located in this Section, Tax Lot 5099

All ?Claimants have a ONE SEVENTH (1/7~~0~~ interest in and to that certain well and equipment situated on Tax lot 5099 in SE 1/4 SW 1/4 of Section 18 T 4 N Range 18 .B.M.

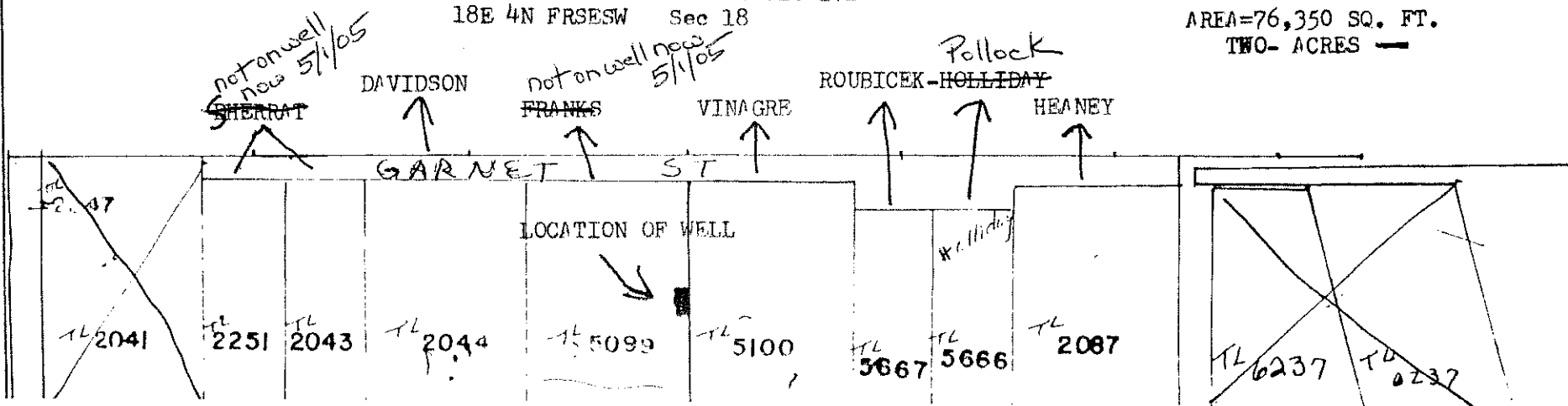
As per enclosure the claimants are:

- D. SHERRATT
- J. DAVIDSON
- J. FRNACKS
- G. VINAGRE
- A. ROUBICEK
- L. HOLLIDAY
- T. HEANEY

FIVE LOTS-100X150
~~ONE LOT~~ 100X150

LEGAL DESCRIPTION OF PROPERTY--SIX LOTS INCLUSIVE
18E 4N FRSESW Sec 18

AREA=76,350 SQ. FT.
TWO- ACRES —



RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Case 39356

Page 16

Receipt No: 5002096

Date: 09/08/88
Time: 09:44:56

Received
From: NIGHT CRAWLER WELL SYSTEM

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	0410162 9337 6490	\$59.00
	Total	\$59.00

CHECK 145

WR/NO: A37-11272

Idaho Department of Water Resources

Region: Southern

Signature: 

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Member
Night Crawler Well System of
Title

Night Crawler Well System, that I have signed the foregoing
Organization
document in the space below as Member of
Title

Night Crawler Well System and that the statements contained in the
Organization
foregoing document are true and correct.

Louis E. Haggard
Signature of Authorized Agent

Member, Night Crawler Well System
Title and Organization

9/8/88

Date

State of Idaho

County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 9 day
of Sept. 19 88

[Signature]
Notary Public

Seal

Residing at Kilauea, ID

My Commission Expires 6/30/94

June 3rd, 2005

Mr. Douglas Jones, P.E.
State of Idaho
Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho
83302-3380

RECEIVED

JUN 07 2005

Department of Water Resources
Southern Region

Re: Case #39356 filed in September of 1988 and Evidence of
Priority for Water Rights #3711272(Night Crawler Well System).

Dear Mr. Jones,

I am responding to your recent letter concerning the
priority date of beneficial use of the "Night Crawler Well
System" of which I am a member.

I have been doing more research on the priority date
and have come up with the following information:

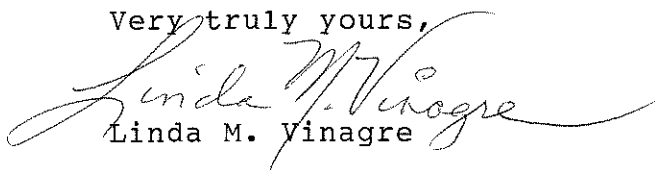
1. The night crawler well was first put to use in the
1930's. See enclosed letter from Mr. Kenneth Zimmerman
a Garnet St. home owner.
2. A copy of a warranty deed for Adolph Roubicek and
Louis Holliday dated April 15th, 1948 for the purchase
of property and well rights on Garnet St. which
establishes that the well was installed prior to their
purchase.
3. A copy of Notice of Claim to water rights- Form #42-1409
filed in September of 1988. Case #39356 includes a
copy of legal description of properties and well users
beneficial use.

When my husband and I purchased our home at 200 Garnet St.
in 1971 there were seven homes using the night crawler well.
The water was and still is used for domestic and outside lawn
maintenance

I hope the above information establishes our priority for
water rights beginning in the 1930's.

If you have further questions, I will be happy to answer
them for you either by phone or letter. My telephone # is
208-726-3270 and my mailing address is P.O. Box 90, Ketchum, Id.
83340.

Very truly yours,


Linda M. Vinagre

cc: Davidson, Vinagre, Pollock, Renfro, Heaney, D. Heaney

Total Pages: 17

June 1st, 2005

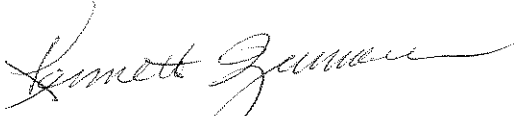
Mr. Douglas Jones, P.E.
State of Idaho
Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho
83301-3380

Re: Water Right Claim Form #3711272- Night Crawler Well System
Case #39356

Dear Mr. Jones,

I live on the corner of Main St. and Garnet St. in Ketchum, Idaho. I am a home owner in the area which has the community well in question. The Garnet St. well was installed in the 1930's. The following people built their homes at that time utilizing said well: Floyd Richardson, Dave Sherrett, Russ Hoffman, Jack Evans and Eldon Hogue. Exact date can be determined by checking deeds on record of the above mentioned.

Very truly yours,



Kenneth E. Zimmerman
P.O. Box 415
Sun Valley, Idaho
83353

cc: Linda Vinagre, Jean Davidson, William G. Pollock, Robert Renfro and Bud Heaney

No. 93349

WARRANTY DEED

Glenn Brewer et ux.
—TO—
Louis E Halliday et ux
et al.

STATE OF IDAHO,
County of Blaine, } ss.

I hereby certify that this instrument was
filed for record at the request of Louis E Halliday
at 4:10 o'clock P. M.,
April 15, A. D., 1948,
in my office, and duly recorded in Book 158
of Deeds at Page 373

B. P. Phamm
Ex-Officio Recorder.

By Larry O. Gelskey
Deputy.

Fees, \$ 1.50 Paid

Mail to _____

Notary Public, Residing at Hailey, Idaho

A. W. ENSIGN

known to me to be the person S whose name S are subscribed to the within instrument, and
acknowledged to me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and
year in this certificate first above written.

STATE OF IDAHO,
County of Blaine } ss.
On this 29th day of November, in the year 1947, before me,
A. W. ENSIGN,
in and for said State, personally appeared GLENN BREWER and NELL BREWER, a Notary Public
husband and wife,

and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall
and will WARRANT and by these presents forever DEFEND.
IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their
hands and seal S the day and year first above written.

Signed, Sealed and Delivered in the presence of:

A. W. ENSIGN

Glenn Brewer
Nell Brewer

(SEAL)
(SEAL)
(SEAL)
(SEAL)

WARRANTY DEED

THIS INDENTURE, Made this 29th day of November
in the year of our Lord one thousand nine hundred and forty-seven
GLENN BREWER and NELL BREWER, Husband and wife, of Ketchum,
Idaho

the part ies of the first part, and Louis E. and Lorraine R. Halliday, husband
and wife of Sun Valley, Idaho; and Adolph and Betty Roubicek, husband
and wife of Sun Valley, Idaho

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
One Dollar and other valuable considerations _____ of the second part:
lawful money of the United States of America, to them _____ DOLLARS,
part ies of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ies
of the second part, and to their heirs and assigns forever, all the following described real
estate, situated in the County of Blaine, State of Idaho, to-wit:

TAX LOT NO. 1966, Being more particularly described as follows:

Beginning at a point 500 feet East of the Southwest Corner of
the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of
Section EIGHTEEN (18), Township FOUR (4) NORTH, Range Eighteen
(18) EAST of the Boise Meridian; running thence North 135 feet,
thence East 100 feet; thence South 135 feet; thence West 100 feet
to the point of beginning.

Together with all right, title and interest in and to that
certain well, well equipment and water right, situated in the south-
erly five acres of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 4 North,
Range 18 East Boise Meridian.



TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof, and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
with the appurtenances, unto the part ies of the second part, and to their heirs, and
assigns forever. And the said part ies of the first part, and their heirs, the said
premises in the quiet and peaceable possession of the said part ies of the second part, their
heirs and assigns, against the said part ies of the first part, and their heirs,



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

Case 39356

Page 5

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

37-11272

NIGHT CRAWLER WELL SYSTEM

PO BOX 90

KETCHUM ID 83340

RECEIVED

JUN 07 2005

Department of Water Resources
Southern Region

Re: Evidence of Priority

RESPONSE DEADLINE

JUNE 17, 2005

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, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot 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 required 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.

Enclosed you will find 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.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-11272). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11272

WATER RIGHT NUMBER: 37-11272

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NIGHT CRAWLER WELL SYSTEM PO BOX 90 KETCHUM, ID 83340 (208)726-3270

Priority Date: 07/01/1940

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	11/01	0.070 CFS	
DOMESTIC	1/01	12/31	0.070 CFS	
<u>Total Diversion:</u>			0.070 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 18, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of UseIRRIGATION Within BLAINE County

T04N R18E S18 2.0

Total Acres: 2

DOMESTIC Within BLAINE County

T04N R18E S18 SESW

Conditions of Approval:Remarks:

1. General P/U OWNED BY INDIVIDUALS OWNING THE LOTS SERVED BY THE SYSTEM.
SEE ATTACHMENT FOR PRESENT OWNERS OF THE VARIOUS LOTS.

Comments:

[illegible]

LOT 2
PTARMAGAN
SUB

SUN
MOUNTAIN
CONDOS

TL 4338

TL 5101

TL 3001

TL 2245	TL 3174	TL 3175	TL 3440	TL 3439					
TL 6204	TL 6205								
TL 2242	6601	TL 2241	TL 2239	TL 5524	TL 2126				
TL 2243 TL 2099	6600	TL 2246	TL 2238	TL 5523	TL 2420	TL 2421			
~~TL 2099~~ Z. Miller	Millington	Davidson	Vinagre	P.O. Lock	R. Lock	Harney			
TL 2041	TL 2251	TL 2043	TL 2044	TL 5099	TL 5100	TL 5667	TL 5666	TL 2087	TL 6237