

VERIFIED BY  2.4.98

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



TOTAL DIVERSION: 0.04 CFS

Stage: BENEFIT

CASSIA County

[illegible]

Other Rights: NONE

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.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
		11/17/1997	

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

Audit: 11/17/97 SSHERMAN

RIGHT NUMBER:

43-10151

NAME & ADDRESS:

KATHERINE YATES
HC 72 BOX 2122
MALTA ID 83342

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

PRIORITY DATE:

09/30/1971

POINT OF DIVERSION:

T13S R27E S28 SE

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
DOMESTIC D/1 HOUSE

PLACE OF USE:

DOMESTIC
Within CASSIA County

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

T13S R27E S28 SE

owns an the Section 28
private ownership in 26

Within CASSIA County

PERIOD OF USE

01-01 12-31

QUANTITY

0.04 CFS

MH13S27E28 7200A

processors or 5% check the T13S R27E Sec 28 NW 1/4 SW
from 8-22-97 survey printout
platmap, + tax id card
loop T5115.

8-26-97

On said the regional
was easy to convince him
legal is 528, NW 528E!

WLR

Net 5007043
25.1

645-2401

Sally Sherman -

A43-10151

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NOV 03 1997

Department of Water Resources

I distinctly recall a man from Twin Falls here checking wells, well in advance of the papers coming for permit change after Willard died. Much was talked about in the placement of wells in the vicinity - used and unused. I know he had many maps and did much marking.

Frankly, after four years of twenty-four hour care for my husband plus the death of two grand kids in Las Vegas the following March - I'm not positive I personally ever marked a map.

Our County assessor is correct for location and I regret the mixup.

There is more to well history in the area that we were once tied to but due to sale to a son and other circumstances those irrigation wells do not enter in.

Katherine Gatis

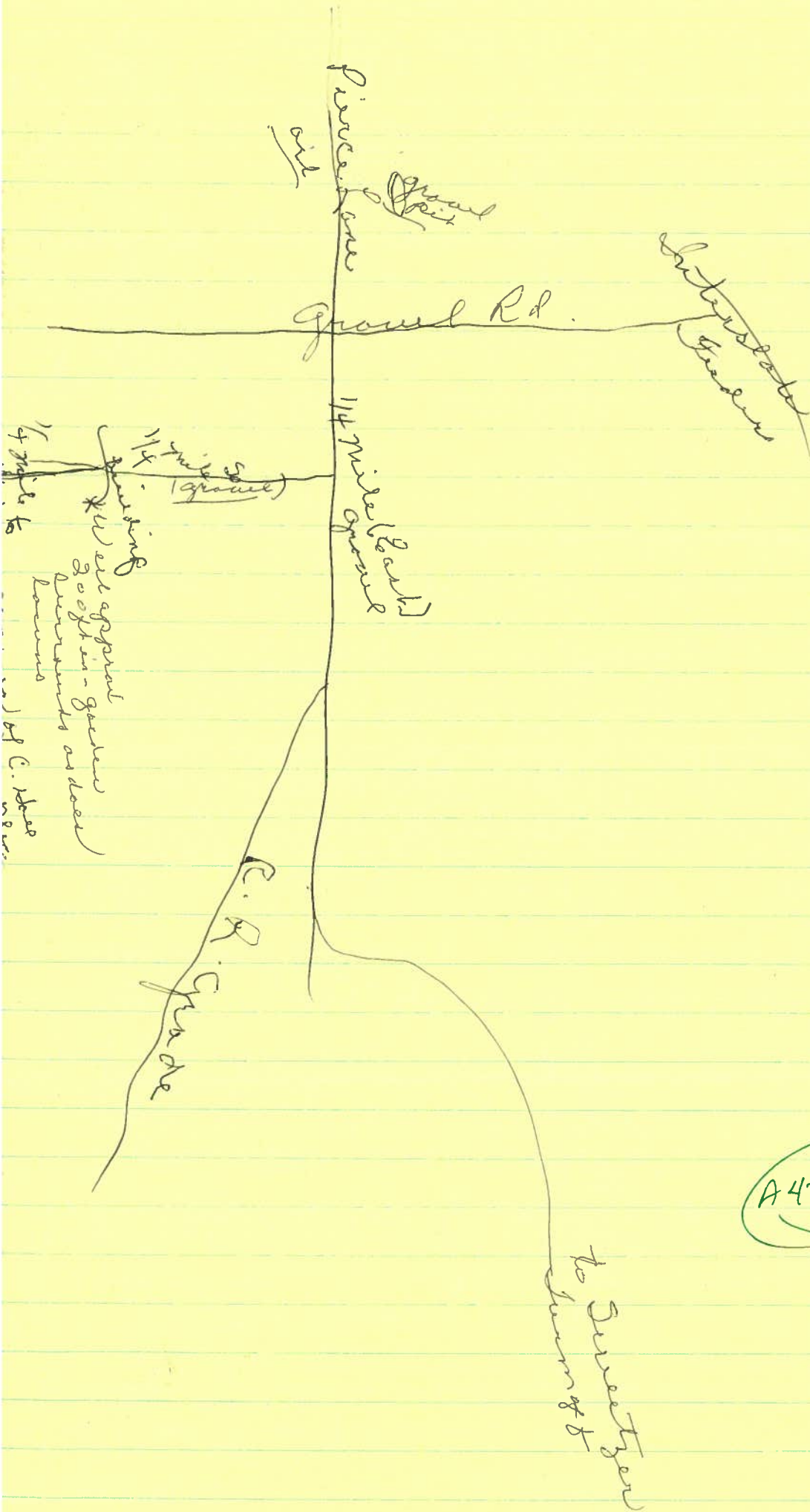
I have a personal film photo - A man come from Neb. and took most of the area. These are 2x8 Colored - I ordered them for the kids - a memento for Mom. I hate to have them bent or folded. Can they be copied in ~~black~~ by photo copy like a little?

Mr. Smith is working for title change as the man we bought from died before it was completed. Now his administrator must do the job. He never said the title since 1970

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NOV 03 1997

Department of Water Resources



A43-10151



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

**PHILIP E. BATT
GOVERNOR**

October 24, 1997

**KARL J. DREHER
DIRECTOR**

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NOV 03 1997

Department of Water Resources

KATHERINE YATES
HC 72 BOX 2122
MALTA ID 83342

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A43-10151 - Domestic Well

Dear Mrs. Yates:

Following my conversation with Richard Smith on Thursday, October 23, 1997, I was going to telephone you regarding your Notice of Claim #A43-10151. But, the more I thought about it I realized it might be more confusing by telephone than by letter.

We need your assistance to verify your legal property description on Notice of Claim #A43-10151 which you filed May 5, 1989. There appears to be a discrepancy as to the location (section number) of your well. I've outlined Section 26 (which you claimed) in green, and outlined the property the Cassia County Assessor shows you as owning in Section 28 in pink. You can see the discrepancy.

Please explain, document, or submit information that either shows your ownership of the tract in Section 26 or your authority to have a water right on property you don't own under this name. Otherwise, mark on the map where you use the water and return it to me no later than November 7, 1997.

Please call me toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

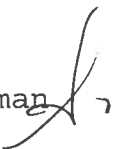
A handwritten signature in green ink that reads "S. Sherman".

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Map

cc: Richard K. Smith - Parsons, Smith

M E M O R A N D U M

DATE: October 22, 1997
TO: File
FROM: S. Sherman 
RE: A43-10151 / Katherine Yates
Telephone Conversation with Attorney Richard Smith
of Parsons, Smith, Stone & Fletcher (Burley)

Jim Annest no longer represents Katherine Yates. Mr. Annest referred me to Dick Smith at 678-8382. Mr. Smith informed me he's not representing Mrs. Yates except to help sell some of her land, but would call her about her water rights to see if she wants him to represent her.

Mr. Smith told me there is a Trust, as mentioned in Mrs. Yates' handwritten note in the claim file, not with Katherine and her two sons but with a Co-trustee in Utah.

I told Mr. Smith there is an apparent discrepancy in the Section number and gave him the legal property description. I informed him we were preparing to submit the water right claims in that area to the Court for decree and time was of the essence (two weeks).

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: A43-10151
Date Received: 5/09/1989
Receipt No: S007043
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KATHERINE YATES 208-645-2401
Address: HC 72, BOX 2122
MALTA, ID 83342

2. Date of Priority: SEP 30, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13S	27E	26	SE		CASSIA

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	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	26	SE		DOMEST	

11. Place of use in counties: CASSIA

A43-10151

Page 1

Date: 05/09/89

MICROFILMED
MAR 05 1993

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 _____

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 5007043

Date: 05/05/89
Time: 16:36:30

Received
From: YATES, KATHERINE

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$25.00
Total		\$25.00

CHECK 695

WR/NO: ~~445-10469~~

A43-10151

Idaho Department of Water Resources

Region: SOUTHERN

Signature: 

never created 45-10469 claim, only generated receipt

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MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 9, 1989

Mrs. W. M. Yates
HC 72, Box 2122
Malta, Idaho 83342

Dear Mrs. Yates;

I have put together some aerial photos so that you can indicate the location of the well that you wrote us about in your letter of April 26, 1989. Please mark the location of the well clearly on this map and return it to me.

You told me by phone that this well was installed in 1971. State Law requires that all domestic wells drilled after March 25, 1963 which serve more than 1 household (and some stock) must file an APPLICATION FOR PERMIT to appropriate the public waters of Idaho. However, your well falls in one of the "Critical Ground Water Areas" of Idaho where no permits can be granted after July, 1963. This leaves you the option of filing a "NOTICE OF CLAIM TO A WATER RIGHT" for each of the trailer homes that use water from this well.

You sent a \$25 check for a Domestic Claim fee with your letter, so I have prepared your claim based on the information in your letter and by phone. I am enclosing 2 copies of this record. Please sign one copy where indicated on page 2, have your signature notarized, and return this copy to me to complete your claim. The second copy is for your records.

I have included additional claim forms for you to use in filing NOTICE OF CLAIM TO A WATER RIGHT for each additional trailer home that uses water from this well. Each form can be filled out to be essentially the same as the claim I have completed for you. Have each claim signed by the claimer with the signature notarized. There is a \$25 fee for each claim and this fee must accompany the claim.

Or you may choose to postpone filing these claims until a later date. If you do so, please consider the information that is explained on the enclosed sheet entitled "DOMESTIC/STOCK WATER REFUNDS". You may have to get these adjudicated at a future date because of a property sale or other changes in how or where the well water is used. If this happens it would cost considerably more than filing the claims at this time.

I hope this information helps you in your decisions about these claims. At any rate please return the the aerial photo with the location of your well marked on it together with the signed and notarized copy of your claim I have already processed. I am available to assist you with any further information you may need.

Respectfully,

Robert V. Worstell, Water Right Agent

Robert V. Worstell

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MAR 05 1993

tate.

5. Mr. James Annett, atty,
32 Overland Ave, Berkeley, Id.
318- is estate and family attorney.

6. My phone is 445-2401

7. The estate, when finally
settled, will be set up as
a Willard M. Lyates trust with
Warp and me as representatives
and Mr. Annett as advisor.
believe this is how the permit
could be listed -

8. My personal check is
lost.

9. The well supplies the
lots for (4) mobile homes, two
in full use, one only weekends
and other children come to help and
4 - No 4. Not used. A dairy is
has been watered since 1971 -
is a garden and keep up
is carefully.

I shall do all I can to keep in

13S 27E
S26 SE 1/4

From Malte
3S

5E

Willard YATES ?
SEC 28

MICROFILMED
MAR 05 1993

13-27 S26 SE 1/4

Priority Date? 9/71 Phone # 645-2401

New Land? Since 1976?

Where are homes

Investigation station?

A45-10469

Receipt

S007043

check on Previous Rights

Paul Hewlett

77

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MAR 05 1993

Malte, Idaho
April 26, 1989

Idaho Department of Resources
Southern Region
2148 - Lapwai Ave. East
Twin Falls, Idaho - 83301

RECEIVED

MAY 4 1989

Department of Water Resources
Southern Region Office

Gentlemen:

See

As per your Circular - in
applying for updates on our
Culinary well. I am now a
widow and dislike driving in
cities I don't know so I hoped I
can furnish all your needs by
mail.

1. Our location is -

SE 1/4 S26 T13 R. 27

2. a copy of Mr. Yates death
Certificate

3. Copy of District

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4. Two of our sons, MAR 05 1993

Yates and Henry J. Yates as well as
I (wife) Katherine H. Yates, and

AUG 17 1988

State of Idaho
CERTIFICATE OF DEATH

State File No. 4428
Local Reg. No. 113

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR WITH THE SEPT. OF HEALTH & WELFARE RAISED SEAL, SHALL BE USED AS PRIMA FACIE EVIDENCE OF THIS DEATH UNDER IDAHO CODE 39-2411 & 39-2412

DECEDENT	DECEDENT — NAME		FIRST		MIDDLE		LAST		SEX	DATE OF DEATH (Mo., Day, Yr.)
	Willard		Moss		YATES				Male	August 5, 1988
	RACE — (White, Black, American Indian, Japanese, etc.)	AGE — Last Birthday (Yrs.)	UNDER 1 YEAR		UNDER 1 DAY		DATE OF BIRTH (Mo., Day, Yr.)		COUNTY OF DEATH	
	White	80					March 30, 1908		Cassia	
	CITY, TOWN OR LOCATION OF DEATH				HOSPITAL OR OTHER INSTITUTION — Name (If not in either, give street and number)				IF HOSP OR INST. Indicate DOA, OP, Emer. Rm., Inpatient (Specify)	
	Burley				Cassia Memorial Hospital				Inpatient	
	STATE OF BIRTH (If not in U.S.A., name country)		CITIZEN OF WHAT COUNTRY		MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)		SURVIVING SPOUSE (If wife, give maiden name)		WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or No)	
	Utah		USA		Married		Katherine Kolitsch Clifton		No	
	SOCIAL SECURITY NUMBER		USUAL OCCUPATION (Give kind of work done during most of working life, even if retired)				KIND OF BUSINESS OR INDUSTRY			
	123-45-6789		Farmer				Agriculture			
	RESIDENCE STATE		COUNTY		CITY, TOWN OR LOCATION		STREET AND NUMBER		INSIDE CITY LIMITS (Yes or No)	
	Idaho		Cassia		Burley		Rural		No	
PARENTS	FATHER — NAME		BIRTHPLACE		MOTHER — MAIDEN NAME		BIRTHPLACE			
	Henry Yates		Utah		Effie Moss		Idaho			
DISPOSITION	INFORMANT — NAME		MAILING ADDRESS		STREET OR R.F.D. NO.		CITY OR TOWN		STATE	
	Katherine Yates		HC 72		Box 2122		Malta, Idaho		83342	
	BURIAL, OUT-OF-STATE REMOVAL, CREMATION, ENTOMBMENT, OTHER (Specify)		DATE		CEMETERY OR CREMATORY — NAME		LOCATION		CITY OR TOWN	
	Burial/Rem		Aug 9, 1988		Calls Fort Cemetery		Harper Ward, Utah			
CERTIFIER	MORTICIAN (Signature)		LICENSE NO.		NAME OF FACILITY		ADDRESS OF FACILITY			
	Joseph W. Payne		M658		Payne Mortuary		Burley, Idaho		83318	
	21a. I hereby certify that I attended the deceased from		8/5/88		22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated.					
	I last saw the deceased alive on		8/5/88		DATE SIGNED (Mo., Day, Yr.)		HOUR OF DEATH			
CAUSE OF DEATH	(Signature and Title)		DATE SIGNED (Mo., Day, Yr.)		HOUR OF DEATH		PRONOUNCED DEAD (Mo., Day, Yr.)		PRONOUNCED DEAD (Hour)	
	Michael P. Klett, D.O.		8/15/88		2 PM		22b. ON		22c. AT	
	NAME AND ADDRESS OF CERTIFIER (PHYSICIAN OR CORONER) (Type or Print)									
	23. Michael P. Klett, D.O. 2311 Parke Ave.									
TO BE USED FOR EXTERNAL CAUSES ONLY	REGISTRAR		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)							
	24a. (Signature)		24b. Aug 16 1988							
	25. PART I Enter Only One Cause Per Line For (a), (b), (c)									
	IMMEDIATE CAUSE		CAUDIO-PULMONARY ARREST						Interval between onset and death	
	DUE TO, OR AS A CONSEQUENCE OF:		SEPSIS						Interval between onset and death	
	(b)		CHOP VIA ROSES						Interval between onset and death	
	DUE TO, OR AS A CONSEQUENCE OF:								Interval between onset and death	
	(c)								Interval between onset and death	
	PART II OTHER SIGNIFICANT CONDITIONS — Conditions contributing to death but not related to cause given in PART I (a)								AUTOPSY (Yes or No)	
									No	
	ACC. SUICIDE, HOM., UNDET., OR PENDING INVEST. (Specify)		DATE OF INJURY (Mo., Day, Yr.)		HOUR OF INJURY		DESCRIBE HOW INJURY OCCURRED			
	INJURY AT WORK (Yes or No)		IF TRANSPORTATION ACCIDENT, Specify		PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify)		LOCATION STREET OR R.F.D. NO. CITY/TOWN OR COUNTY		STATE	
			Driver Passenger Pedestrian							
			Other							

RECEIVED

MAY 4 1989

State of Idaho.)
County of Ada)

Department of Water Resources
Southern Region Office

THIS IS TO CERTIFY That this is a certified copy of a certificate filed with the Department of Health and Welfare under Title 39, Idaho Code.

AUG 19 1988

Date Issued

See Signer **MICROFILMED**
State Registrar of Vital Statistics
MAR 05 1993

REDA & STA RITE
SUBMERSIBLE PUMPS

MITCHELL MACHINE SHOP

500 South, 100 West — Burley, Idaho

Telephone 678-5898

BERKELEY & STA RITE
JET PUMPS

M

ADDRESS

☐ Order

☒ Estimate

DATE

5/1/80-71

Quan.	DESCRIPTION	PRICE	AMOUNT
1	GAL 10- Pump Model No. <i>Parkley</i> HP 5		578 ⁰⁰
1	Fittings package size		35 ⁰⁰
	Factory Frt.		
200'	Submersible Cable size <i>#6/3</i>	1 ¹⁰	270 ⁰⁰
200'	Galvanized Pipe Size <i>2" American Pipe</i>	90	180 ⁰⁰
1	~~Pressure Tank Size <i>375</i>~~		~~350⁰⁰~~
1	Well Seal size		12 ⁰⁰
	Fittings from Pump to Tank size		10 ⁰⁰
	Installation		100 ⁰⁰
2	220 gal PVC lined pressure		461 ⁰⁰
	<i>Working Separate</i>		
	Well pit & Digging extra (about 200 ⁰⁰)		
	340 Ft Well (reservoir - 140 Ft) -		
	TOTAL		1905 ⁰⁰

RECEIVED

MAY 4 1989

Department of Water Resources
Southern Region Office

Capacity 51 Gal. per ^{min.} hr. @ 40 lbs. pressure from 20 FT

Terms: Cash ☒ Contract ☐ Other ☐

1% per month service charged after 30 days.

Ordered by

Richard M. Gates

REMINDER PRINT

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MAR 05 1993

RECEIVED

MAY 4 1989

Department of Water Resources
Southern Region Office

S007043

Afta

05/05/89
16:36:30

YATES, KATHERINE

ADJUDICATION FEE

0410162 9337 6490

\$25.00

file with

\$25.00

CHECK 695

WR/NO: A43-10151

Idaho Department of Water Resources

Region: SOUTHERN

Signature: _____

*Changed
7/6/85
APR*

MICROFILMED
MAR 05 1993

S007043

Before

05/05/89
16:36:30

YATES, KATHERINE

ADJUDICATION FEE

0410162 9337 6490

\$25.00

\$25.00

CHECK 695

WR/NO: A45-10469

Idaho Department of Water Resources

Region: SOUTHERN

Signature: _____

MICROFILMED

MAR 05 1993

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-10151

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 Frank Hitchcock

◇◇◇◇◇◇◇◇

October 22, 1997 4:20pm

NAME:
KATHERINE YATES

RE:
A43-10151 DOM/UNSIGNED

10-21-1997; TF ROM SALLY/S.O.-PULL FILE FOR HER AND CONFIRM THAT THERE IS NO SIGNATURE. DID SO-TT HER-TCW-TOLD TO HOLD FILE UNTIL SHE TALKS WITH DON SHAFF.

TODAY-MAIL MESSAGE FROM HER TO RETURN FILE TO SHELF. SHE IS IN CONTACT WITH CLAIMANT'S ATTORNEY. MAIL MSG PRINTED FOR FILE.

From: DWR03::SSHerman 22-OCT-1997 16:10:01.10
To: DWR60::FHITCHCO
CC: SSHerman
Subj: A43-10151 / KATHERINE YATES

HOWDY! YOU MAY RETURN THE FILE, FRANK. I JUST SPOKE TO HER NEW ATTORNEY SO HOPEFULLY I'LL HAVE SOME ANSWERS SOON.

THANX VERY MUCH FOR YOUR HELP, KIND SIR!

...SAL