

RECEIVED

JUN 30 1999

Department of Water Resources

1999 JUN 28 PM 12: 05

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

**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

Case No. 39576

ORDER OF PARTIAL DECREE

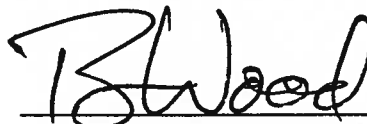
For Water Right 55-04063

On April 12, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 55-04063 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 28 1999.



BARRY WOOD

Administrative District Judge

Presiding Judge of the

Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-04063

1999 JUN 28 PM 12:05

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: TESTAMENTARY FAMILY BYPASS TRU
DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

TESTAMENTARY FAMILY BYPASS TRU
OWEN ORSON BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

TESTAMENTARY FAMILY BYPASS TRU
RETA MAY HANSEN, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

RUTH B BERRETT
1280 KLAMATH AVE
NYSSA, OR 97913

SOURCE: WILLIAMS CREEK TRIBUTARY: JORDAN CREEK

QUANTITY: 2.82 CFS

PRIORITY DATE: 04/06/1867

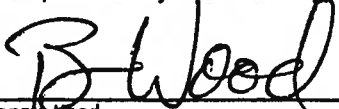
POINT OF DIVERSION: T07S R05W S15 SENWNW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.82 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T07S R05W S09	
	SWNE 13.0	SENE 11.0
	NESW 25.0	SESW 13.0
	NWSE 38.0	SWSE 23.0
	SESE 18.0	
	141.0 Acres Total	

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 JUN 28 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 55-04063

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-04063 was mailed
on June 28, 1999, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

TESTAMENTARY FAMILY BYPASS TRU
DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913
Phone: 541-372-5623

TESTAMENTARY FAMILY BYPASS TRU
OWEN ORSON BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913
Phone: 541-372-5623

CERTIFICATE OF MAILING

PAGE 1
06/28/99

TESTAMENTARY FAMILY BYPASS TRU
RETA MAY HANSEN, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913
Phone: 541-372-5623

RUTH B BERRETT
1280 KLAMATH AVE
NYSSA, OR 97913
Phone: 541-372-5623

DALE BERRETT
3540 HWY 95
JORDAN VALLEY, OR 97910
Phone: 541-586-2889

DIANA DELANEY
Chief Deputy Clerk

RECEIVED

APR 13 1999

Department of Water Resources

1999 APR 12 PM 12:30

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

) Subcase 55-04063

Case No. 39576

)
) SPECIAL MASTER'S REPORT
)
)
_____)

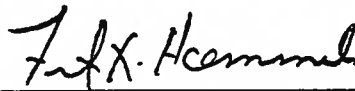
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 55-04063 was filed. Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The *Standard Form 5* was accepted by the court; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 55-04063 be decreed as recommended in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 12, 1999.



FRITZ X. HAEMMERLE

Special Master, Snake River Basin Adjudication

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-04063

1999 APR 12 PM 12:30

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED DL

NAME AND ADDRESS:

TESTAMENTARY FAMILY BYPASS TRU
DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

TESTAMENTARY FAMILY BYPASS TRU
OWEN ORSON BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

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RETA MAY HANSEN, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

RUTH B BERRETT
1280 KLAMATH AVE
NYSSA, OR 97913

RECEIVED

APR 13 1999

Department of Water Resources

SOURCE: WILLIAMS CREEK TRIBUTARY: JORDAN CREEK

QUANTITY: 2.82 CFS

PRIORITY DATE: 04/06/1867

POINT OF DIVERSION: T07S R05W S15 SENWNW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.82 CFS

PLACE OF USE:	Irrigation		Within Owyhee County
	T07S R05W S09	SWNE 13.0	SENE 11.0
		NESW 25.0	SESW 13.0
		NWSE 38.0	SWSE 23.0
		SESE 18.0	

141.0 Acres Total

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

APR 12 1999

John X. Hammond
SPECIAL MASTER

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

APR 13 1999

Department of Water Resources

1999 APR 12 PM 12:30

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 55-04063

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 12, 1999, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

TESTAMENTARY FAMILY BYPASS TRU
DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913
Phone: 541-372-5623

CERTIFICATE OF MAILING

PAGE 1
04/10/99

APR 13 1999

1999 APR 12 PM 12:30

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

In Re SRBA
Case No. 39576

Water Right(s): 55-04063

Rebhi Lash

PAGE 1
04/10/99

DEC 16 1998

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase 55-04063

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

United States of America on behalf of
Bureau of Land Management

Larry A. Brown 12/18/98
date
Larry A. Brown FWP
Attorney, U.S. Dept. of Justice
Environment and Natural Resources Division

CLAIMANT:

[Signature] 12-16-98
date

[Signature] 12/18/98
date
IDWR Concurrence

[Signature] 12/18/98
date
As to form, Susan Hamlin
Deputy Attorney General, State of Idaho

DATE: DEC-08-1998
PAGE: A-1

AJ5856MP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM:		SOURCE: WILLIAMS CREEK		TRIBUTARY: JORDAN CREEK	
RIGHT NUMBER:		95-04063			
NAME AND ADDRESS:		RUTH S BERRETT 1280 KLAMATH AVE NYSSA OR 97913 THE TESTAMENTARY FAMILY BYPASS TRUST DALE L BERRETT, TRUSTEE 1280 KLAMATH AVENUE NYSSA OR 97913 THE TESTAMENTARY FAMILY BYPASS TRUST OWEN ORSON BERRETT, TRUSTEE 1280 KLAMATH AVENUE NYSSA OR 97913 THE TESTAMENTARY FAMILY BYPASS TRUST RITA MAY HANSEN, TRUSTEE 1280 KLAMATH AVENUE NYSSA OR 97913			
SOURCE:		WILLIAMS CREEK		TRIBUTARY: JORDAN CREEK	
QUANTITY:		2.82 CFS 3100 CFS			
PRIORITY DATE:		05/06/1967 06/15/1999			
POINT OF DIVERSION:		TOTE ROW 315 SENNW Within Owyhee County			
PURPOSE AND PERIOD OF USE:		PURPOSE OF USE		PERIOD OF USE	
		IRRIGATION		04-01 10-31	
				QUANTITY	
				2.82 CFS	
				3100 CFS	
PLACE OF USE:		IRRIGATION		Within Owyhee County	
		TOTE ROW 800		SEHW 11 SEHW 6 SEHW 10 SEHW 20	
				SEHW 23 SEHW 16 SEHW 17	
		141 ACRES TOTAL		SEHW 23	
		76 ACRES TOTAL		SEHW 13	
				SEHW 9	

JWP
FWP

RB

SEL

DATE: DEC-08-1998
PAGE: A-2

AJ5034NP

IDARD DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

53-04069 (CONT.)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 55:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 55 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

*del**Fwp**13*

CERTIFICATE OF MAILING

I certify that on Dec 16, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

The Testamentary Family Bypass Trust
Dale L. Berrett, Trustee
1280 Klamath Ave.
Nyssa, OR 97913

☐ Overnight Mail
☒ Regular Mail
☐ hand-delivered
☐ facsimile

RECEIVED

NOV 20 1998

Department of Water Resources
Adjudication Bureau

NOV 19 1998

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

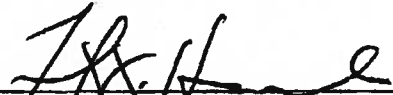
Case No. 39576

) Subcases 55-04063
)
)
)
)
)

ORDER RESETTING SCHEDULING
CONFERENCE

A Scheduling Conference was held November 19, 1998, in the above listed subcase. A Standard Form 5 was taken by the claimant. A Scheduling Conference for the subcase will be reset to **December 16, 1998, at 1:30 pm at the Owyhee County Courthouse** if the Standard Form 5 is not filed with the court by December 14, 1998.

DATED November 19, 1998.


FRITZ X. HAEMMERLE

Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER RESETTING SCHEDULING CONFERENCE** was mailed November 17, 1998, with sufficient first-class postage prepaid as follows:

Director of IDWR
Box 83720
Boise, ID 83720-0098

Ruth Berrett
1280 Klamath Ave.
Nyssa, OR. 97913

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Deputy Clerk

CERTIFICATE OF MAILING

I certify that on Aug. 19, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

Patrick D. Madigan
Rosholt, Robertson & Tucker
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☒ Regular Mail
☐ hand-delivered
☐ facsimile

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

Case No. 39576

A. Subcase 55-04063

(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Testamentary Family Bypass

Address: 1280 Kalamath Avenue; Nyssa, OR 97913

Name: Dale L Berrett et. al., Trustee

Address:

Name: Ruth B Berrett

Address: Same

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

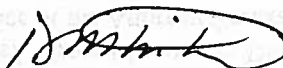
F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Daryl Albiston, BLM Area Manager, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

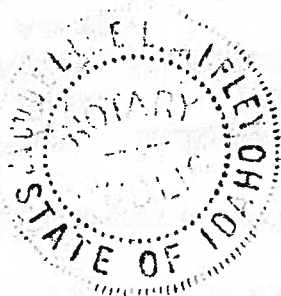
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 31, 1998



Jacqueline L. Ripley
Notary Public for Idaho
Residing at: Brian
My Commission Expires: 4-7-1999

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on SEPT. 4, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: The Testamentary Family Bypass
Address: 1280 Kalamath Avenue; Nyssa, OR 97913

Name: Dale L Berrett et. al., Trustee
Address:

Name: Ruth B Berrett
Address: Same

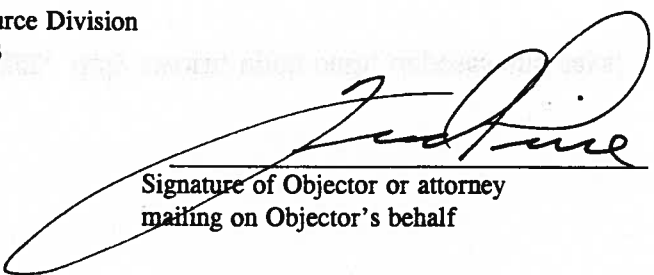
Name:
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

SRBA DIRECTORS REPORT 55-04063

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 55-04063

Name and Address: THE TESTAMENTARY FAMILY BYPASS
DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

THE TESTAMENTARY FAMILY BYPASS
OWEN ORSON BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

THE TESTAMENTARY FAMILY BYPASS
RETA MAY HANSEN, TRUSTEE
1280 KLAMATH AVENUE
NYSSA, OR 97913

RUTH B BERRETT
1280 KLAMATH AVE
NYSSA, OR 97913

- POU ON BLM.
- CLAIMANT IS NOT
AUTHORIZED TO FARM
PUBLIC LAND.

Source: WILLIAMS CREEK

Tributary: JORDAN CREEK

Quantity: 1.48 CFS

Priority Date: 04-15-1905

Diversion Point: T07S R05W S15

SENWNW

Within Owyhee County

Purpose and

Period of Use: Purpose of Use
Irrigation

Period of Use
Irrigation Season

Quantity
1.48 CFS

Place of Use: Irrigation
T07S R05W S09

Within Owyhee County

SWSE 17

SWNE 6

NESE 5 BLM

NWSE 28

SESE 18

74 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Beneficial Use

Return to SRBA Home Page



RECEIVED

SEP 22 1998

Department of Water Resources
Adjudication Bureau

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

A: Subcase 55-04063

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

DALE BERNETT

Address:

3540 Hwy 95JORDAN VALLEY, OR. 97910Daytime Phone: 541-586-2889

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

RUTH BERNETT, TESTAMENTARY FAMILY BYPASS TRUST

Address:

3540 Hwy 95JORDAN VALLEY, OR. 97910

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: ~ 120 Acres 2.4 CFS
4. ☒ Priority Date
Should be: APRIL 6th 1867
5. ☒ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): PRIOR CONVEYANCE
HAS
EVIDENCE HAS BEEN SUBMITTED, ~~IT~~ NOT ACTED
UPON BY IDWR.
SEE ENCLOSED LETTER

F.

VERIFICATION (Must be Completed)

State of Oregon)
)ss.
County of Malheur)

Dale Bennett, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Sept 14, 1998



Eva Matteri
Notary Public for Oregon
Residing at: Arock Or 97902
My Commission Expires: 5-25-2000

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on SEPT. 16, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

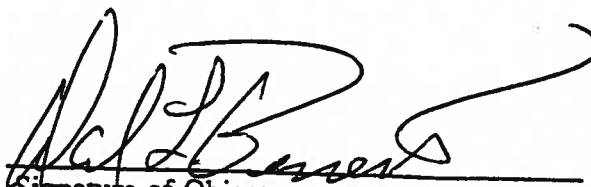
Name: _____
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

11

"MOTION TO FILE A LATE OBJECTION"

EARLIER THIS SPRING I MET WITH IDWR AT A MEETING IN MARSHING. AT THE MEETING IDWR ACKNOWLEDGED ERRORS IN ALLEGAGE - THEY WORKED ON THE COMPUTER THERE THAT NIGHT AND SAID IT WAS CORRECTED. BUT FOR WHATEVER REASON IT STILL IS NOT.

ALSO AFTER THE MEETING I UNDERTOOK SOME RESEARCH ON THE PRIORITY DATE, FINDING EVIDENCE OF A EARLIER PRIORITY DATE I SUBMITTED IT TO IDWR. IDWR TOLD ME IT WAS SUFFICIENT TO CHANGE TO THE DATE I SUBMITTED. HOWEVER WHEN THE DIRECTOR'S REPORT WAS SUBMITTED TO THE COURT - IT HAS NOT BEEN CHANGED EITHER.

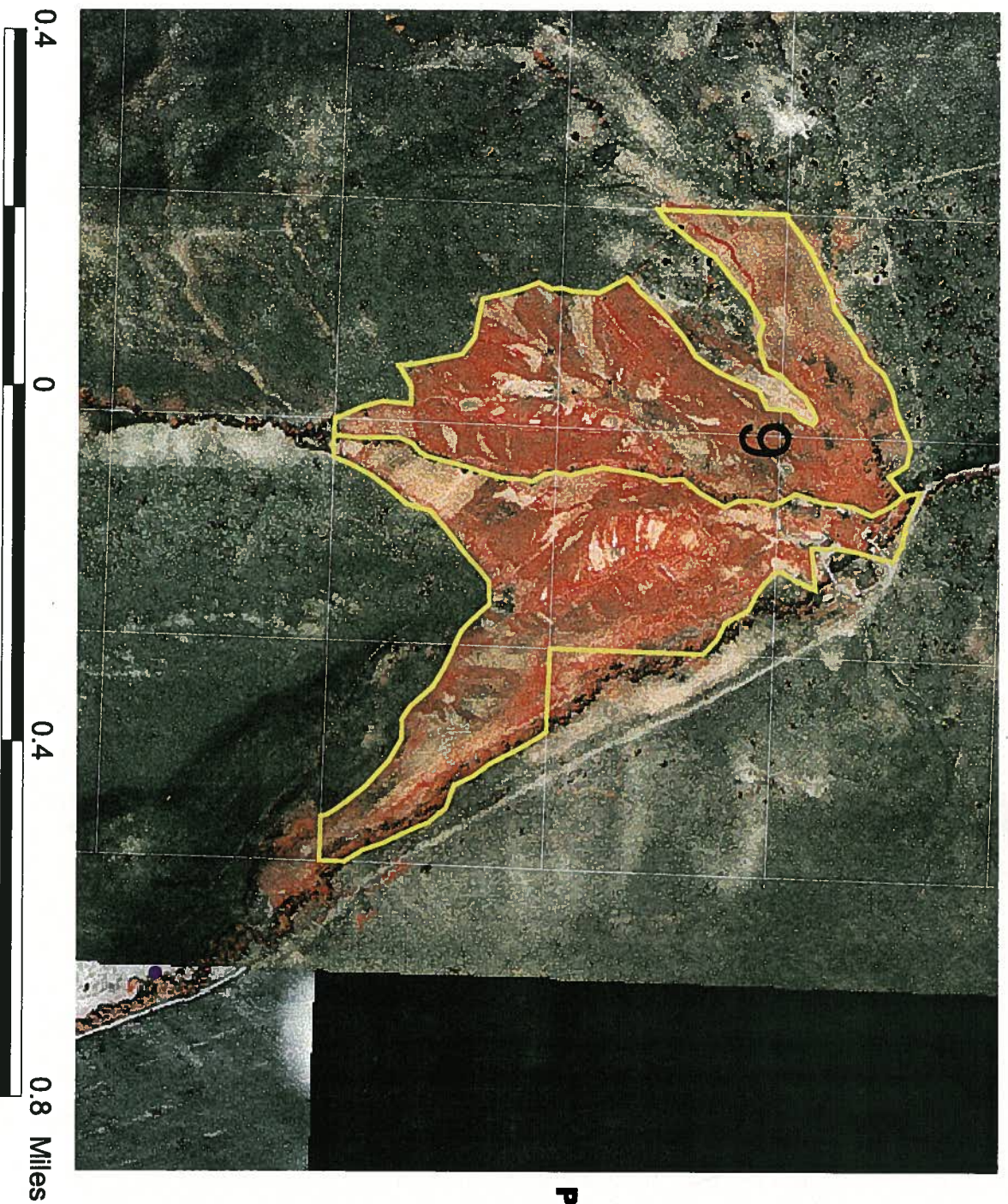
- ALSO - LOOKING AT THE ARIEL PHOTO MAP OF IDWR - THE BLUE DOT REPRESENTING THE POINT OF DIVERSION IS ON THE WRONG CREEK.

- THROUGHOUT THE SUMMER I HAVE TALKED WITH IDWR TELLING ME THIS WAS ALL GOING TO BE FIXED AND NOT TO WORRY. I FEEL IDWR HAS BADLY DROPPED THE BALL ON THIS MATTER.

Thank you.



WAGGERS-ONE-CATTLE-CO.
DALE OR SHARON BERRETT
3540 HWY. 95
JORDAN VALLEY, OR 97910



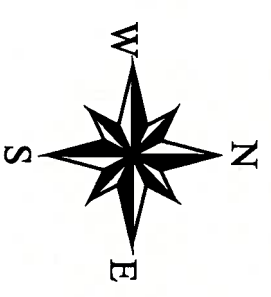
**Idaho Department
of Water Resources**

T07S R05W Sec. 9

Claim No.: 55-04063

**Prepared by: Roxanne Brown
December 1, 1998**

 55-04063
 55-04063 Point of Diversion



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-08-1998

PAGE: A-1

RIGHTS FROM: SOURCE: WILLIAMS CREEK TRIBUTARY: JORDAN CREEK

RIGHT NUMBER: 55-04063

NAME AND ADDRESS: RUTH B BERRETT
1280 KLAMATH AVE
NYSSA OR 97913

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

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

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

SOURCE: WILLIAMS CREEK TRIBUTARY: JORDAN CREEK

QUANTITY: 2.82 CFS
~~1148 CFS~~

PRIORITY DATE: 04/06/1867
~~04/13/1903~~

POINT OF DIVERSION: T07S R05W S15 SENWNW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	<u>2.82 CFS</u> ~~1148 CFS~~

PLACE OF USE:	IRRIGATION	Within Owyhee County		
T07S R05W S09	<u>SWNE 13</u> ~~SWNE 6~~	<u>SENW 11</u>	<u>NESW 25</u>	<u>SESW 13</u>
	<u>NWSE 38</u> ~~NWSE 28~~	<u>SWSE 23</u> ~~SWSE 17~~	SESE 18	~~NWSE 3~~
	<u>141 ACRES TOTAL</u> ~~74 ACRES TOTAL~~			

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-08-1998

PAGE: A-2

55-04063 (CONT.)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 55:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 55 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ0749NP
No. R55-04063

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

DATE: 01/12/98
PAGE: 1

OWNER
CODE NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C THE TESTAMENTARY FAMILY BYPASS TRUST

DALE L. BERRETT, TRUSTEE

1280 KLAMATH AVENUE

NYSSA OR 97913

(541) 372-5623

04/15/1905 IRRIGATION

04-15 10-15

1.30 CFS

TOTAL DIVERSION:

1.30 CFS

C RUTH B. BERRETT

1280 KLAMATH AVE

NYSSA OR 97913

(541) 372-5623

C THE TESTAMENTARY FAMILY BYPASS TRUST

OWEN ORSON BERRETT, TRUSTEE

1280 KLAMATH AVENUE

NYSSA OR 97913

(541) 372-5623

C THE TESTAMENTARY FAMILY BYPASS TRUST

RETA MAY HANSEN, TRUSTEE

1280 KLAMATH AVENUE

NYSSA OR 97913

(541) 372-5623

Water Source: WILLIAMS CREEK

Tributary to: JORDAN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R05W S15

SE SUMMIT

OMYHEE County

Place of Use Legal Description for: IRRIGATION

NE

NE

SW

SE

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POU County: OMYHEE

Dates: Exam Made Date: 06/18/1992

Verified Date: 01/12/1998

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 01/06/1993 User-ID: HOMERTON Subject: COPIED FROM REMARKS

OWNERSHIP CHANGED BY RDH ON 6/23/92.

Date: 07/12/1996 User-ID: RHOMEETO Subject: COPIED FROM REMARKS

PER GIS
map
2/5/1998

(74)(.02) =
1.48 cfs

5 28 17 18
29 13 13
TOTAL ACRES = 74

AJ0749NP
No. R55-04063

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

DATE: 01/12/98
PAGE: 2

Comments: Date: 07/12/1996 User-ID: RHOVERTO Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY RDH ON 7/12/96 PURSUANT TO THE LAST WILL
AND TESTAMENT OF WAYNE L. BERRETT, DECEASED.
Date: 08/28/1996 User-ID: RHOVERTO Subject: ADDRESS CHANGE
ADDRESS CHANGED FOR RUTH B. BERRETT. RDH 8/28/96.

Audit: 01/12/98 RHOVERTO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:29:02
11/04/92

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A55-04063

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE L BERRETT	01/01/1905	IRRIGATION	04-01 11-01	2.40 CFS	
C	RUTH B BERRETT					
	PO BOX 166					
	JORDAN VALLEY OR 97910					
	(503) 586-2408					
					TOTAL DIVERSION:	300.0 AFA
					CONSUMPTIVE USE:	

Water Source: WILLIAMS CREEK
Tributary to: JORDAN CREEK
Stage: STATUTORY CLAIM
Point(s) of Diversion: T07S R05W S15
S16
OWNYHEE County
OWNYHEE County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: SUM
07S 05W 9	:	:	:	:	:
			30	25	35
					30
					120.0
					120.0
					TOTAL ACRES

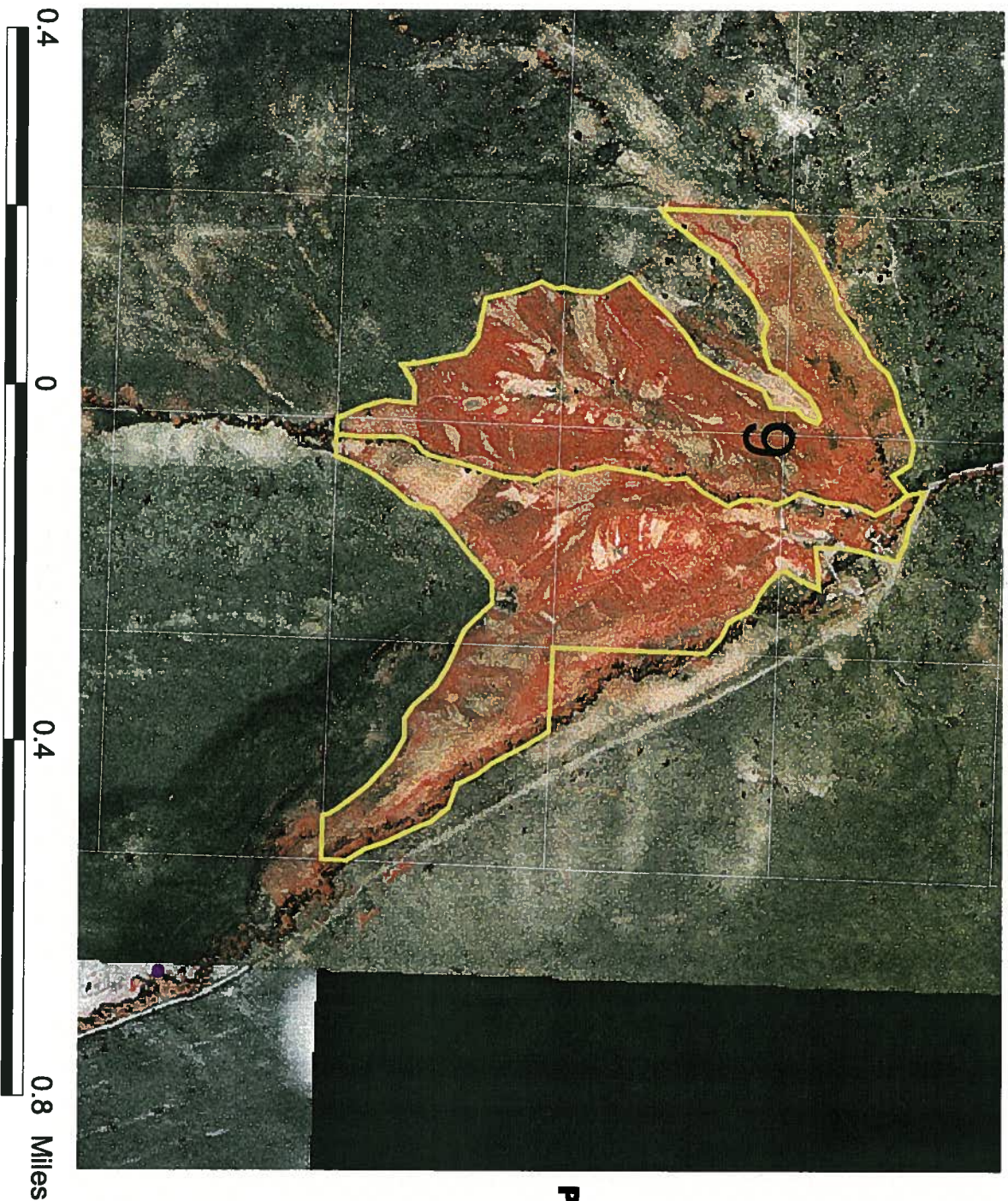
POU County: OMYHEE

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: THE MAIN POD IS IN SECTION 15, THE POD IN SECTION 16 IS A
SECONDARY POD.
OWNERSHIP CHANGED BY RDH ON 6/23/92.

Dates: Exam Made Date: 06/18/1992
Verified Date:
Misc: Water District Number:
Field Inspection Flag: Y
Presumption Flag:



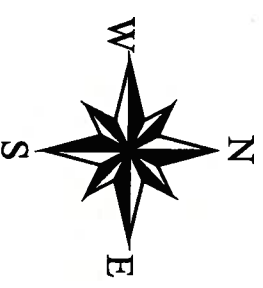
**Idaho Department
of Water Resources**

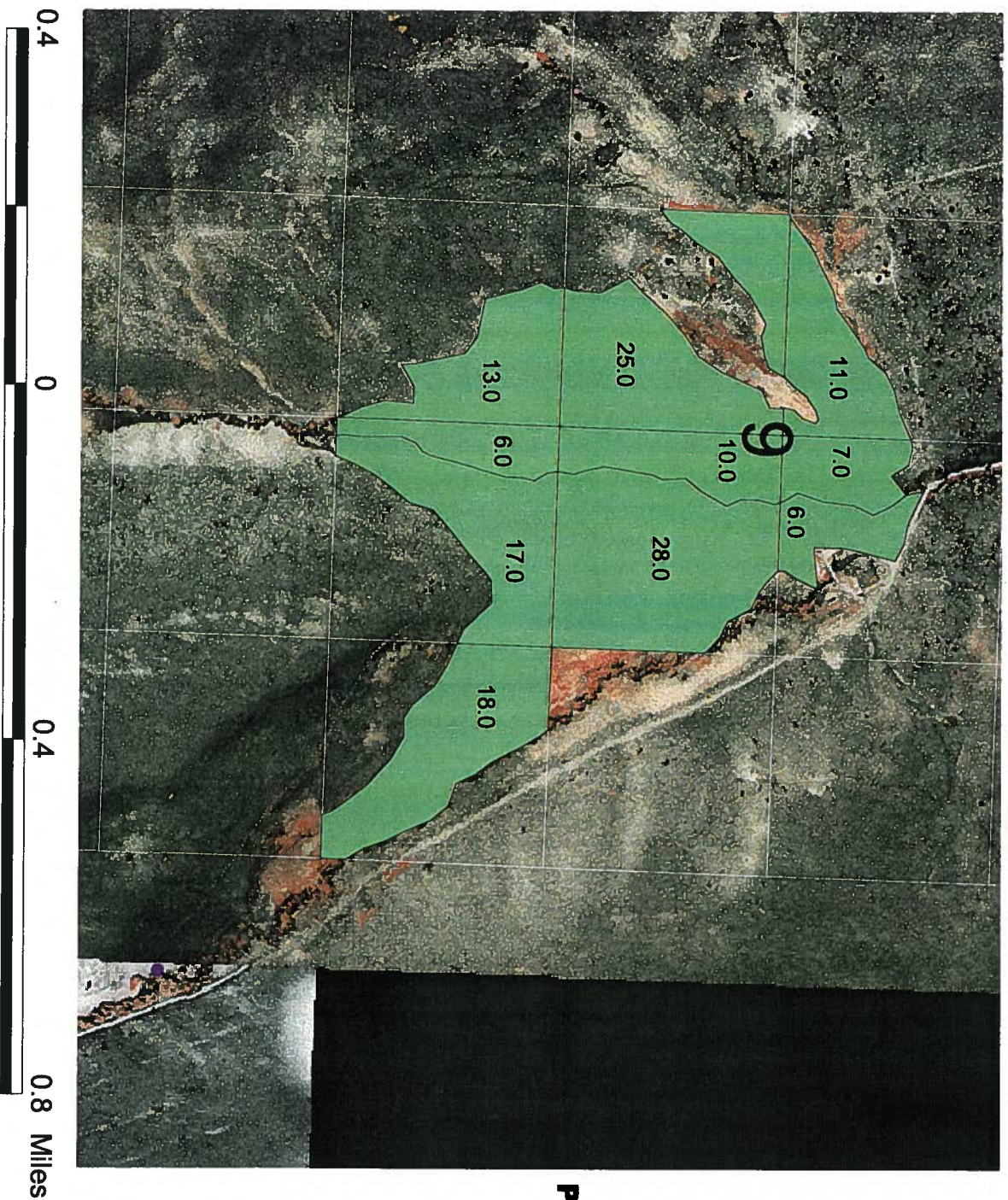
T07S R05W Sec. 9

Claim No.: 55-04063

**Prepared by: Roxanne Brown
December 1, 1998**

 55-04063
 55-04063 Point of Diversion





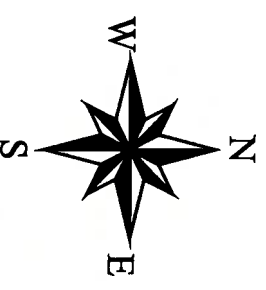
**Idaho Department
of Water Resources**

T07S R05W Sec. 9

Claim No.: 55-04063

**Prepared by: Roxanne Brown
December 1, 1998**

 Acres Irrigated
 55-04063 Point of Diversion



IDAHO DEPARTMENT
OF WATER RESOURCES

T07S, R05W, S09

6 ACRES

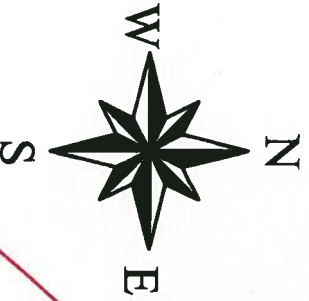
Section Lines

Place of use

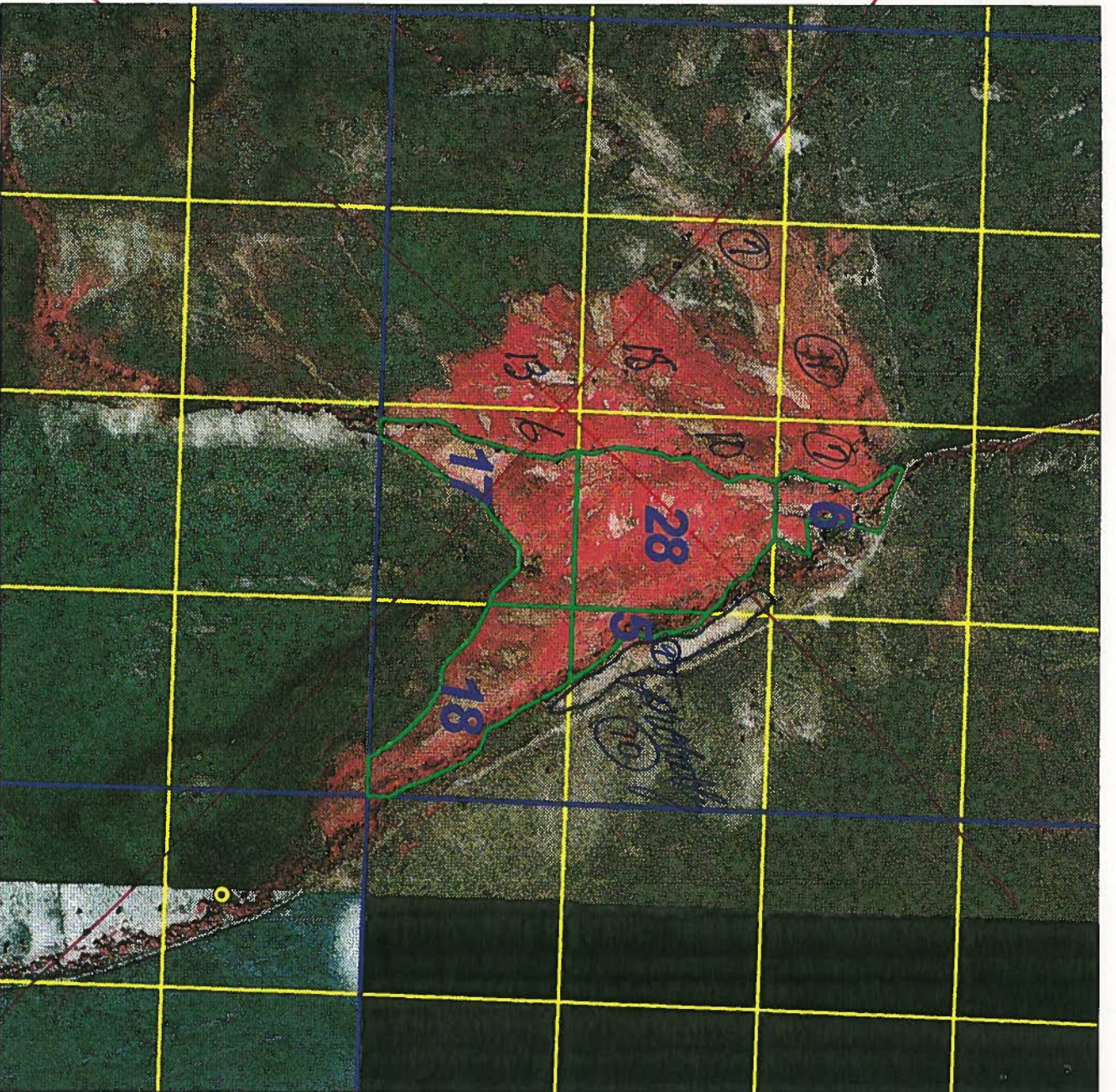
1/4 14 Lines

POINT OF DIVERSION

Claim(s): 55-04063
Owner(s): BYPASS TRUST
Prepared by: Ron Howerton
Date: 2/5/1998



0 0.25 0.5 0.75 1 Miles



LAST: DUCKETT
ADDRESS: P.O. BOX 336
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2432
OWNER CODE: 0
FIRST: DEAN W.
STATE: OR ZIP: 97910

LAST: DUCKETT
ADDRESS: P.O. BOX 336
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2432
OWNER CODE: 0
FIRST: ELAINE B.
STATE: OR ZIP: 97910

LAST: BERRETT
ADDRESS: PO BOX 166
CITY: JORDAN VALLEY
PHONE NUMBER: 503-586-2408
OWNER CODE: C
FIRST: WAYNE L
STATE: OR ZIP: 97910

LAST: BERRETT
ADDRESS: PO BOX 166
CITY: JORDAN VALLEY
PHONE NUMBER: 503-586-2408
OWNER CODE: C
FIRST: RUTH B
STATE: OR ZIP: 97910

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
CLAIM REMARKS: THE MAIN POD IS IN SECTION 15, THE POD IN SECTION 16 IS A SECONDARY POD.
OWNERSHIP CHANGED BY RDH ON 6/23/92.
DATABASE Y
FIELD EXAMINER

CONTACT PERSON: William Barrett

PHONE NUMBER: (503) 586-2408

DATE OF FIELD EXAM: 6/18/92

APPOINTMENT MADE: Y ☒ N ☐

TIME: 11:00 A ☒ P ☐

ACCOMPANIED BY: William Barrett

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: owner

DIRECTIONS TO PROPERTY / NOTES:

Jozean Valley To South Mtn Road To South Mtn Ranch
blc Lenses on Blot.

A. AJ CLAIM: # A55-04063 PRIORITY DATE: 01-01-1905 STAGE: S
B. WR RECORD: # 55-04063 PRIORITY DATE: 01-01-1905 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER Rsh

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)

NOTES:

SEE EVIDENCE OF PRIORITY IN CORRESPONDENCE STACK.

CHANGED DOP TO MARCH 1946 SEASON

This evidence submitted to IMLC supports a
priority date of 4/6/1867. EOG 11/17/98

RECOMMENDED PRIORITY DATE:

01-01-1905

REVIEWED BY

Rsh

DATE

51-06-92

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-04063	07S	05W	15	SE 1/4	NW	NE 1/4		OMYHEE
A55-04063	07S	05W	16	NE 1/4	SW	NW		OMYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WILLIAMS CREEK

TRIB: JORDAN CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
55-04063	07S	05W	15	SE 1/4	NW	NW		OMYHEE
55-04063	07S	05W	16	NE 1/4				OMYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

A55-10045

R55-10045

SOURCE: WILLIAMS CREEK

TRIB: JORDAN CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	Y	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	N		REN

NOTES:

ONLY 1- POINT OF DIVERSION.

Possible old license listed 2nd P/D without having a field exam.

old ditch that overflows into wet creek could have been

mistaken for 2nd P/D on old license. However the flow from

gravity irrigation from Williams Creek flows from east to west

and would have to flow uphill to reach 1/4's in the SW 1/4's

as listed in stat claim.

*Mr. Aswell confirms irrigation as shown on
new GIS map, including that west of
West Creek Rd*

TWP. RGE. SEC.

SOURCE: WILLIAMS CREEK

TRIB: JORDAN CREEK

DATE: 01-06-93

SYSTEM DESCRIPTION:

SEE ATTACHMENTS

oratio & topo map

ITS more accurate to represent as accurately per Mr. Poente's objection.

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

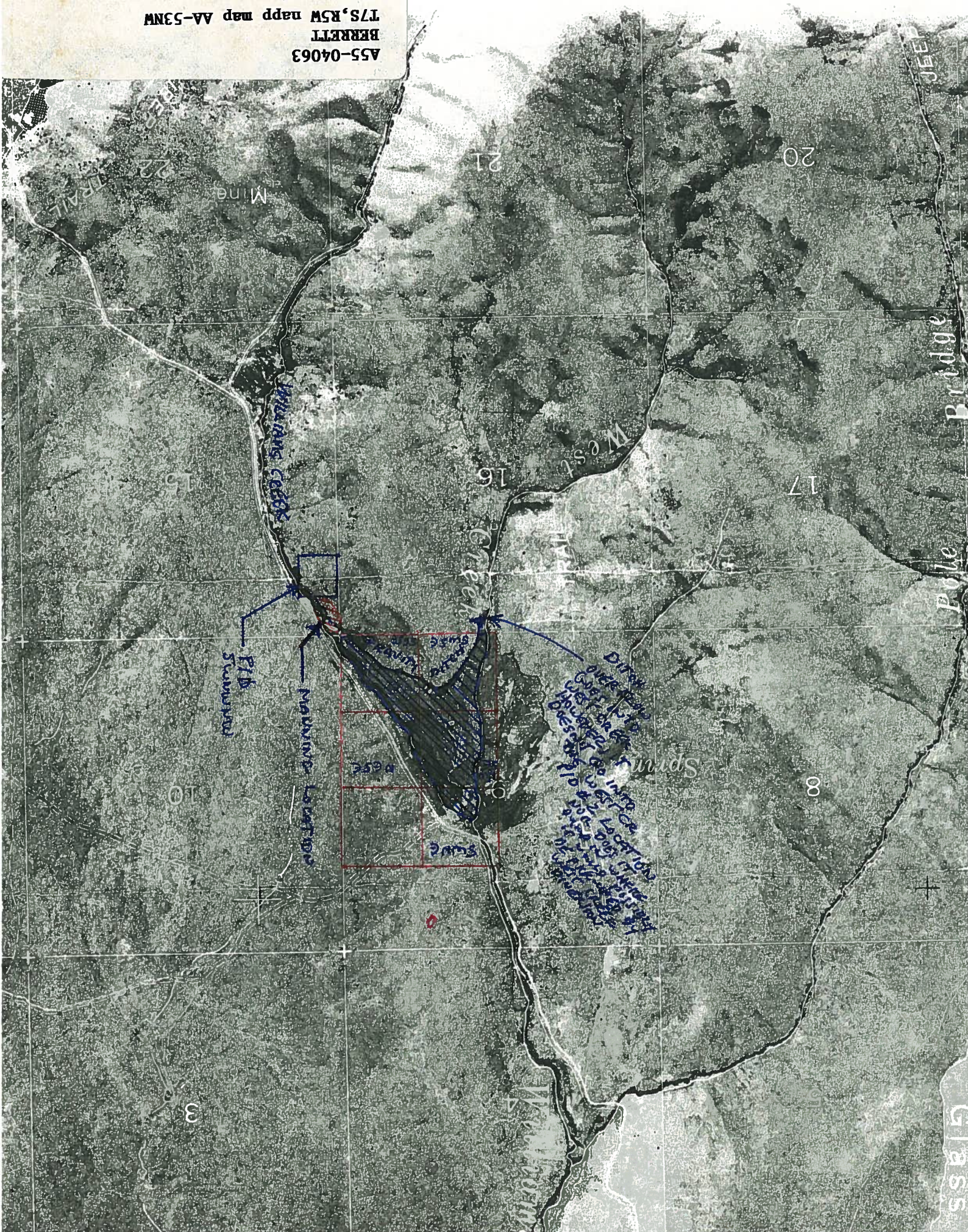
CLAIM NO. A55-04063

Source: WILLIAMS CREEK

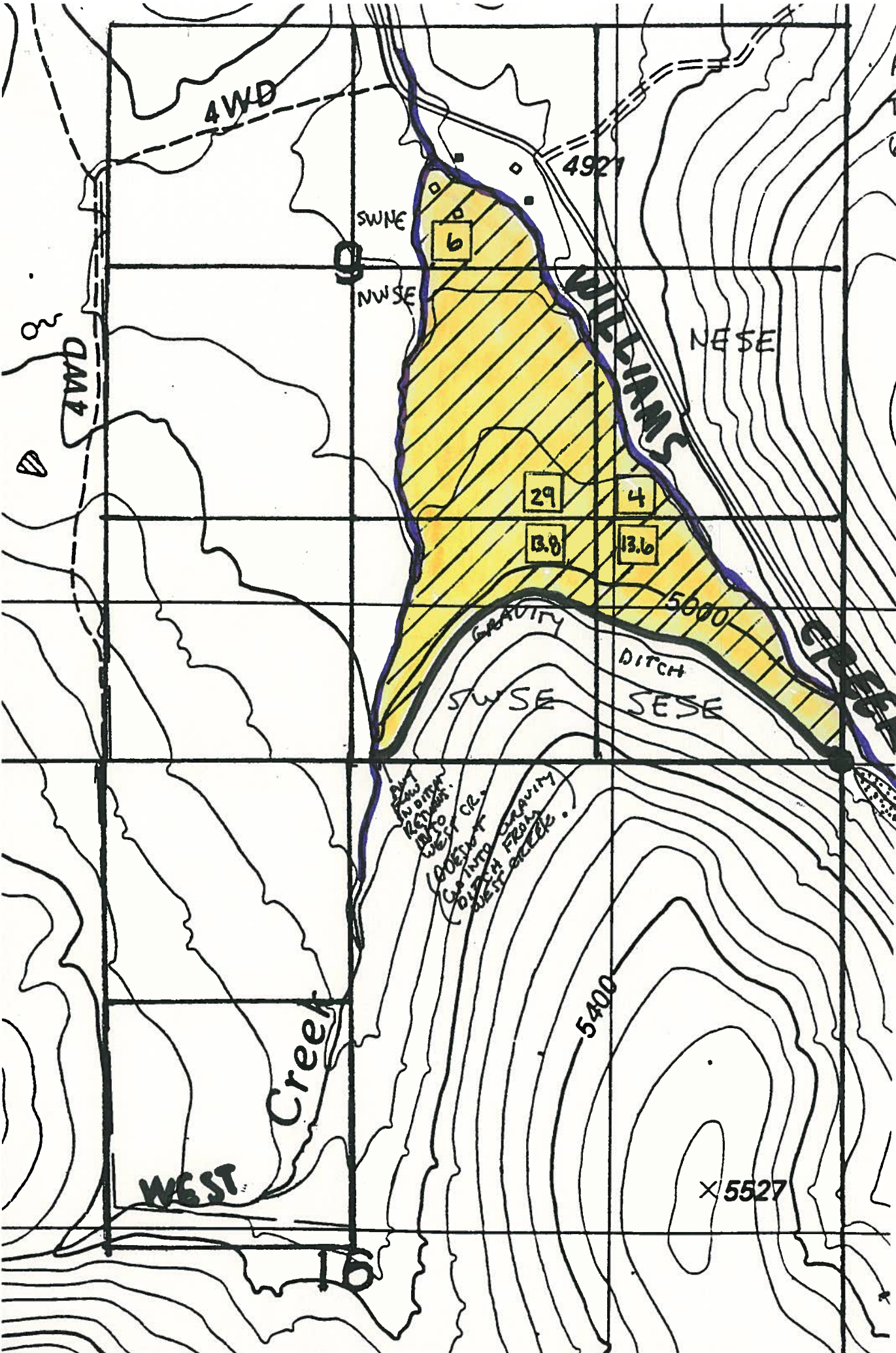
- 1) WATER IS DIVERTED FROM WILLIAMS CREEK VIA EARTH GRAVAL DAM INTO A REGULATED WOODEN GATE WHICH MOVES UP OR DOWN TO LET THE MAXIMUM AMOUNT OF WATER THAT THE DITCH CAN HOLD.
- 2) THE WATER FLOWS NORTH WESTERLY IN THE DITCH IN WHICH SMALL EARTH ROCK DIKES CAN BE BUILT-UP TO OVERFLOW IN SMALLER FEEDER DITCHES AND IRRIGATES WITH GRAVITY FLOWS.
- 3) THE DITCH ALSO ALLOWS ANY OVERFLOW TO GO INTO WEST CREEK. (THIS IS THE END OF THE DITCH). THE OVERFLOW WATER DOESN'T GET INTO THE 2ND P/D OF WEST CREEK FOR A55-02161, INSTEAD IT FLOWS DOWN THE NATURAL CHANNEL BELOW THAT DIVERSION.
- 4) ALL IRRIG LAND FROM THIS SOURCE IS JUN 18 1992
Ron Howerton
EAST OF WEST CREEK.

Mr. Barrett confirms that item 3 & 4 are inaccurate. In good water years Williams Cr. water is used west of West Creek.

५२८



AA-53 NW
A55-04063
T7S R5W
66.4 ACRES



MANNING'S
LOCATION

PID
5527
SEC 15

A. ROOT WATER RIGHT NUMBERS: A55-04063

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	05W	9	NE	SW		BERRETT, WAYNE L	A55-04063 /30.0	55-04063 /30.0	34.0	☒	☒
07S	05W	9	SE	SW		BERRETT, WAYNE L	A55-04063 /25.0	55-04063 /25.0	15.0	☒	☒
07S	05W	9	NW	SE		BERRETT, WAYNE L DUCKETT, DEAN W.	A55-04063 /35.0 A55-10089 /	55-04063 /35.0	39.0	29.0	29.0
07S	05W	9	NW	SE		DUCKETT, DEAN W	R55-10089 /	- /			
07S	05W	9	SW	SE		BERRETT, WAYNE L	A55-04063 /30.0	55-04063 /30.0	30.0	13.8	30.0 13.8
TOTAL ACRES							A55-04063	120.00	120.00	118.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET: SEE OVERLAP REVIEW SHEET

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE EXAMINER

POU COUNTY: OMYHEE

PRESUMPTION FLAG:

NOTES:

NO IRRIGATION FROM WILLIAMS CREEK IN SW 1/4'S.

Found ONLY ~~66.4~~ 74 ACRES POSSIBLE OUT OF CLAIMED 120.

see GIS map for corrections

RECOMMENDATIONS:

TOTAL ACRES: 66.4-74

REVIEWED BY: RLH

DATE: 01-06-93

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: ASS - 02161 ASS - 04063

AGENT Ron Howerton DATE 01-06-93

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
IRR/ ^{WEST} CREEK	2161	75	5W	9			6.6					13.7	25.6			13		8.7	6.3		73.9	
				16					29.7			16.4									46.1	120

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
IRR/ ^{WILLIAMS} CREEK	4063	75	5W	9			6										4	29	13.2	13.6	66.4	66.4

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

NO OVERLAPS

A. AJ CLAIMED USES:

PURPOSES
A55-04063 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
2.400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.400 CFS

B. WR RECORDED USES:

PURPOSES
55-04063 IRRIGATION

MONTH/DAY
FROM 05-01 TO 09-30

DIVERSION QUANTITY
2.400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y

12/25

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N() Explain in notes, below.

NOTES:

USE NEW STANDARD SEASON OF USE MAR.
STANDARD FOR THE AREA IS: 4-15 to 10-15

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.400 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y
FIELD DATABASE EXAMINER RAB

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Manual, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A55-10089	STOCKWATER	DUCKETT, DEAN W.	FROM 01-01 TO 12-31	.050 CFS	
R55-10089	STOCKWATER	DUCKETT, DEAN W.	FROM 01-01 TO 12-31	.050 CFS	

Claim No(s):: A55-04063

Name of Claimant: BERRETT, WILLIAM

of Ditch, Canal, or Stream Name: WILLIAMS CREEK

Date of Measurement: 18 JUN '92 Data Collected By: RON HOWERTON

Measurement Location: NW 1/4 NW 1/4 Section 15 T 7S R 5W

General Description and Comments

Cross-section Data

Basis: High water mark (X) Maximum capacity ()

Note: A minimum of five readings is necessary; first and last rod reading must be equal or zero.

Depth or Rod Reading	Dist. from Initial Point	Depth or Rod Reading	Dist. from Initial Point
1. <u>0</u>	<u>0</u>	11. <u>0</u>	<u>0</u>
2. <u>0.6</u>	<u>0.5</u>	12. <u>0.58</u>	<u>1.0</u>
3. <u>0.62</u>	<u>1.0</u>	13. <u>0.60</u>	<u>1.5</u>
4. <u>0.70</u>	<u>1.5</u>	14. <u>0.55</u>	<u>2.0</u>
<u>0.62</u>	<u>2.0</u>	15. <u>0.55</u>	<u>2.6</u>
6. <u>0.58</u>	<u>2.5</u>	16. <u>0.5</u>	<u>3.0</u>
7. <u>0.58</u>	<u>3.0</u>	17. <u>0</u>	<u>3.3</u>
8. <u>0</u>	<u>3.4</u>	18. _____	_____
9. _____	_____	19. _____	_____
10. _____	_____	20. _____	_____

DOWN-STREAM SECTION

UP-STREAM SECTION

Slope Data

Basis: High water mark (X) Channel bottom () Land surface ()

Channel length from cross section: Upstream 50 Downstream 142

Total channel length used for slope measurement: 192 ft.

Rod reading at engineers level: N/A

Upstream rod reading 4.9 - High Water Mark(if taken from channel bottom) _____ = _____

Downstream rod reading 7.3 - High Water Mark(if taken from channel bottom) _____ = _____

N : The downstream rod reading must be higher than the upstream rod reading.

Are maps and/or photos attached? Yes (X)

DIST. CAL: (ROD READINGS) * UPSTREAM

$$\frac{7.98 - 4.60}{(1.42)(100)} = 50 \text{ FT}$$

MANNING EQUATION CHANNEL CAPACITY RESULTS

JUN 23 1992
~~06-30-1980~~ Rch
6/23/92

File Number: A55 04063
Claimant: WILLIAM BERRETT
Channel measured: WILLIAMS CREEK DITCH
Date of measurement: 6/18/92
Measurement location:
T7S R5W SEC 15 NWNW
Calculation prepared by: RON HOWERTON
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 192 feet.
The upstream and downstream rod readings are 4.90 and 7.30 feet.
The channel cross section is 1.65 ft-sq.
The wetted perimeter is 3.87 feet.
The hydraulic radius is 0.43 feet.
The slope is 0.0125
The roughness coefficient is 0.0300
The flow velocity is 3.150 ft/sec.
The rate of flow is 5.21 cfs.

CROSS SECTION NUMBER 1

For File Number A55 04063 for the WILLIAMS CREEK DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.60	0.60	0.50
3	0.62	0.62	1.00
4	0.70	0.70	1.50
5	0.62	0.62	2.00
6	0.58	0.58	2.50
7	0.58	0.58	3.00
8	0.00	0.00	3.40

The area for this cross section is 1.82 square feet
and the wetted perimeter is 4.00 feet.

CROSS SECTION NUMBER 2

For File Number A55 04063 for the WILLIAMS CREEK DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.58	0.58	1.00
3	0.60	0.60	1.50
4	0.55	0.55	2.00
5	0.55	0.55	2.60
6	0.50	0.50	3.00
7	0.00	0.00	3.30

The area for this cross section is 1.49 square feet
and the wetted perimeter is 3.75 feet.

D.

1a. IRRIGATION RATE
ACRES 74 ~~444~~ x 0.02 CFS/ACRE = 1.48 ~~1.3~~ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

1b. CALCULATIONS
Recalculation for
corrected GIS map.

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 300.0 AF/A
ACRES 44.4 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 1160 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

No COMBINED OR OVERLAPPING RIGHTS

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER ~~2-400~~	DATABASE EXAMINER	DATABASE EXAMINER ~~300-0~~
TOTAL FOR THIS RIGHT	04-15 to 10-15	~~2-400~~ 13,148		~~300-0~~ 166
REVIEWED BY:	Rdh	DATE:	01-06-93	

Sys. Diag on ORTHO

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED ☒ ()
() ()
() ()

NEEDS
REVIEW ()
() ()
() ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-04063
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-04063	2.400	-		55-04063	2.400
TOTAL CFS		2.400				2.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER
BSH

NOTES:

No Splits

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE: 01-06-93

NAME OF FIELD EXAMINER:

Ron Howerton

TITLE: Sr Water Agent



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

A55-04063 JUNE 28, 1991
DEAN W. DUCKETT
ELAINE B. DUCKETT
P.O. BOX 336
JORDAN VALLEY OR 97910

RE: Claim No(s): A55-04063

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no license, decree or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of first use, or "Priority Date", for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes the types of evidence required and explains what kind of documents will fulfill this requirement. While we encourage you to read the entire pamphlet, we would like to direct your attention to the right-hand half of this pamphlet once you open it. There you will find information concerning the evidence requirements mentioned above. The other sections describe to you why this evidence is necessary.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, cannot be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the above claim(s) have been or soon will be conducted by Department personnel.

Please submit the required evidence supporting the priority date(s) by August 1, 1991, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact a water resource agent in this office.

Sincerely,

Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh
Enclosures

MICROFILMED

SEP 29 1992

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☒ ORTHOPHOTOQUAD

DATE OF PHOTO

1979

IDMR ID NO. AA 53

☒ Y ☐ N ☐ C

☒ TOPOGRAPHIC

DATE FIELD CHECKED

1990

IDMR ID NO. AA 53

☒ Y ☐ N ☐ C

☒ MAP

DATE OF PHOTO

1987

IDMR ID NO. AA 53

☒ Y ☐ N ☐ C

☐ ASCS AERIAL PHOTO

DATE OF PHOTO

☐ Y ☐ N ☐ C

☐ ASCS COLOR SLIDE

DATE OF PHOTO

☐ Y ☐ N ☐ C

☐ BLM OR USFS AERIAL PHOTO

DATE OF PHOTO

☐ Y ☐ N ☐ C

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

☐ Y ☐ N ☐ C

☐ SCS SOIL SURVEY MAP

DATE ISSUED

☐ Y ☐ N ☐ C

☐ SUBDIVISION PLAT MAP

DATE OF MAP

☐ Y ☐ N ☐ C

☐ OTHER

DATE

☐ Y ☐ N ☐ C

☐ OTHER

DATE

☐ Y ☐ N ☐ C

☐ OTHER

DATE

☐ Y ☐ N ☐ C

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM

DATE OF FIELD EXAM

☐ WATER RIGHT LICENSE

DATE LICENSE SIGNED

☐ IDMR APPROVED TRANSFER

DATE TRANSFER APPROVED

☐ SYSTEM DESCRIPTION

DATE DRAWN

☒ PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

June 18/92

☐ SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

☐ FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

☐ OTHER

DATE

☐ OTHER

DATE

(ENLARGED)

A55-04063

PHOTO #1 P/D, SHOWS EARTH ROCK ETC. DAM IN WILLIAMS CREEK.



PHOTO #2 REGULATING WOODEN GATE, APPROXIMATELY 10-15 FEET FROM DAM.



Photo's By
RDH

JUN 18 1992

A55-04063

PHOTO #3 DOWNSTREAM MANNINGS CROSS SECTION.



PHOTO #4 UPSTREAM MANNINGS CROSS SECTION.
NOTE! DITCH WAS ONLY FLOWING ABOUT 2/3'S FULL.



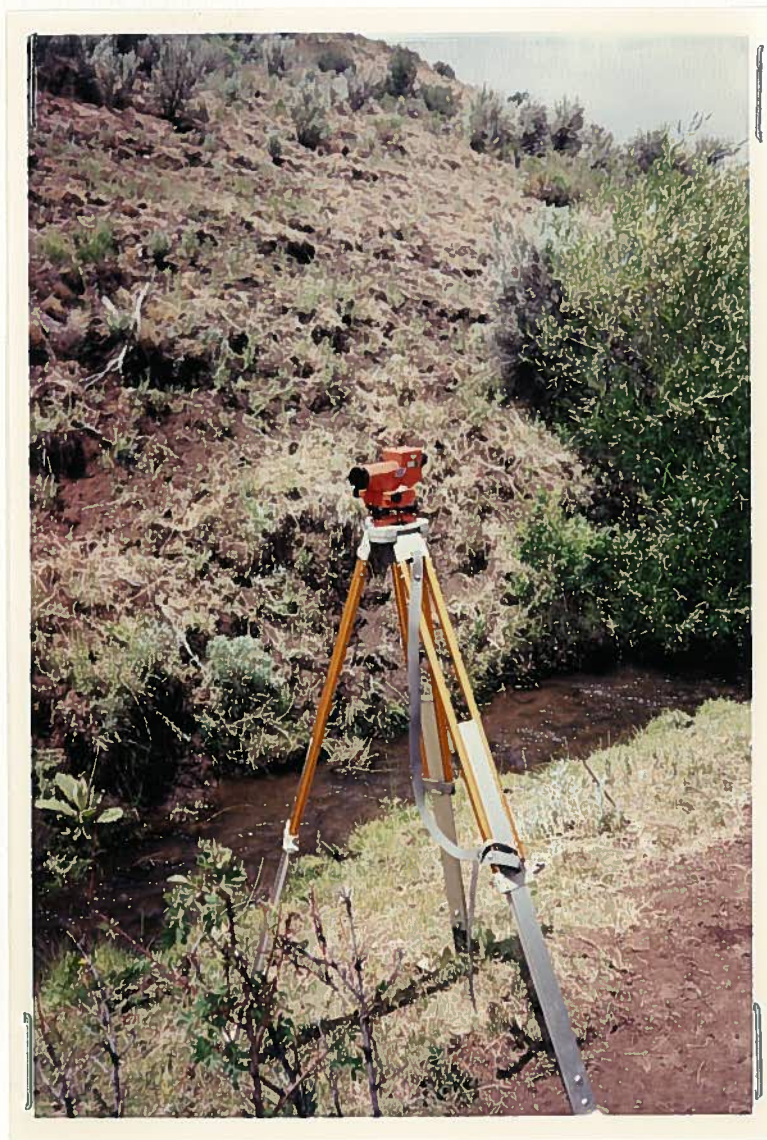
Photo's By
RDH,

JUN 18 1992

A55-04063

PHOTO # 5

INSTRUMENT LOCATION FOR MANNINGS EQUATION.



Photo's By
RDH

JUN 18 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 28, 1996

PHILIP E. BATT
GOVERNOR

GLENN M LEE
Attorney and Counselor at Law
PO Box 489
Fruitland ID 83619-0489

KARL J. DREHER
DIRECTOR

REF: ADDRESS CHANGE

NOTICE OF CLAIM NOS:

A55-02161 & A55-04063
for Ruth B. Berrett

Dear Glenn Lee,

1. I have changed the above address for the claims above as requested.
2. The Department will contact you or the claimant in the future, concerning any future requirements that may be needed in order to process these claims for final court decree.
3. If you have any questions concerning the enclosed claims, please feel free to contact me.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

GLENN M. LEE
ATTORNEY AND COUNSELOR AT LAW
KEY BANK PLAZA
GAYWAY JUNCTION
16TH AND WHITLEY
FRUITLAND, IDAHO
(208) 452-4000
FAX (208) 452-3044



MAILING ADDRESS:
POST OFFICE BOX 489
FRUITLAND, ID 83619-0489

RECEIVED
AUG 19 1996
WATER RESOURCES
WESTERN REGION

August 15, 1996

ATTN: Ron Howerton
IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, ID 83705

Re: State of Idaho
Water Right Nos. 55-04063 and 55-02161
Estate of Wayne L. Berrett, deceased

Dear Ron:

As per our telephone conversation of August 5, 1996, enclosed is the Change in Address of Notice of Claim signed and dated by Ruth B. Berrett.

If you have questions or I can be of further assistance to you, please advise.

Very truly yours,

Glenn M. Lee
Attorney at Law

GML:ag
Enclosures
clt: Ruth B. Berrett
Personal Representative
Rob't D. Butler
Attorney at Law



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 12, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GLENN M LEE
Attorney and Counselor at Law
PO Box 489
Fruitland ID 83619-0489

NOTICE OF CLAIM NOS.
A55-02161 & A55-04063

Ref: Ownership change

Dear Glenn Lee,

1. Enclosed are copies of the above referenced claims which reflect the CHANGE IN OWNERSHIP of the lands and appurtenant water rights covered by these claims.
2. Because Ruth Berrett has an undivided one-half interest, then she is still an owner. Thus, she shares the other one-half interest with the trust as shown in Case No. SP-93-00212. Thus, on the claim form I have identified each individual in the Bypass Trust as, Trustee.
3. I do have a question on the legal address for Ruth B. Berrett. When we received the first ownership change from Duckett to Berrett, Wayne L. Berrett signed the ownership change indicating that their address was PO Box 166. This is contrary to the address indicated on the recent ownership change form received June 26, 1996. What is the correct address?
4. I have attached IDWR copies of both of those ownership forms for your reference. If her address needs to be changed, please complete & return the attached "Change in Address of Notice of Claim" with her signature.
5. If you have any other questions or concerns, please feel free to contact me.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Audit: 02/15/95 RHOBERTO



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DATE: JUNE 23, 1992

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

WAYNE L BERRETT &/OR
RUTH B BERRETT
PO BOX 166
JORDAN VALLEY OR 97910

NOTICE OF CLAIM NO. (S)
A55-02161

A55-04063

Dear Wayne and Ruth,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
Senior Water Agent
Adjudication Bureau

cc: File(s)
A55-02161
A55-04063

MICROFILMED
SEP 29 1992

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

A55-04063)

State of Idaho)
County of _____)

Dean Duckett

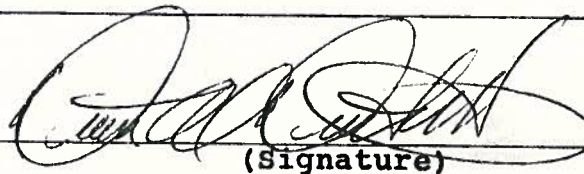
being first duly sworn,

deposes and says: In the matter of the above water claim
attatched are the notes to the original complete survey
of the area. In his notes Mr. George W. Fenley states
and makes reference to "rolling meadow" and "leaving
meadow land." He also makes mention of ditches obiviously
used to irrigate meadow land. (Page 735)

It would be very difficult to find anyone still
living who has knowledge of use in 1905.

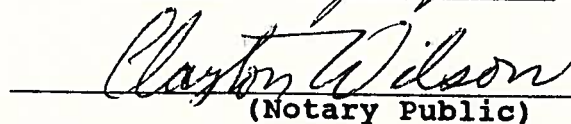
I believe these notes of Mr. Fenley's show and
establish beneficial use of water claimed as of 1905, the
date of his survey and probably before, as it is unlikely
ditches were just made and meadows established.

Thank you,


(Signature)

Subscribed and sworn to before me this
day 30th of July, 1991.

SEAL


(Notary Public)

Residing at Jordan Valley, Or. 97910.

My Commission Expires February 22, 1992

MICROFILMED

SEP 29 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A55-04063

FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	Y	Rm 6-18-92	6	Y	N	
PT. OF DIV.		1.5	Y			
SOURCE		6	N			
PL. OF USE		1.5	Y			
DIV. AMOUNT CFS/AF		5	Y			
CONSUMPTIVE USE		5	Y			
NATURE OF USE		6	N			
PERIOD OF USE		5	Y			
BASIS OF CLAIM		5, 6	Y			
REMARKS						

DATA ENTRY COMPLETED

BY DATE

FINAL RECOMMENDATION

BY DATE

VERIFICATION CODES

- TOPO MAP/ORTHO PHOTO = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER(SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES NO

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: SAME AS CLAIM

C48

MICROFILMED

SEP 29 1992

Trans. completed Feb. 1906 B.C.K. F.L.
Trans. compared Feb. 21 1906, J.D.B. & V.S.

C49

No. _____
INDEX.

FIELD NOTES

OF THE SURVEY OF

Subdivision lines of T. 7.S., R. 5 W. of
the Principal Base and

OF THE BOISE MERIDIAN, IDAHO,

AS SURVEYED BY

GEORGE W. FENLEY,

U. S. Deputy Surveyor.

Under his contract No. 211

Dated June 11, 1904, 190

Survey commenced March 30, 1905.

Survey completed April 16, 1905.

Received at Surv. Gen's Office June 30, 1906.

C 50

NAMES AND DUTIES OF ASSISTANTS.

Frank D. Maxwell, ... Chairman.
 Ira F. Shaffner, ... Chairman.
 William M. Bush, ... Honorary and Active.
 Albinus M. Kirtell, ... Chairman.
 Transcript for G.L.O. completed Feb., 1906,
 by H.S.K.
 Compared Feb. 12, 1906, J.D.B. and V.S.
 Copied for binding by F.L.
 Compared Feb. 7, 1907, J.D.B. and V.S.

C 51

INDEX DIAGRAM.

Township 7 S. Range 5 W. Boise Meridian.

6	126	5	93	4	70	3	46	2	25	1
125	121	91	68	44	24					
7	120	8	89	0	65	10	43	11	22	12
118	116	87	63	41	21					
18	114	17	85	16	61	15	39	14	19	13
112	110	83	59	37	17					
19	108	20	81	21	56	22	35	23	15	24
106	104	79	55	33	13					
30	102	29	76	28	53	27	32	26	10	25
100	98	74	51	30	7					
31	96	32	72	33	49	34	28	35	5	36

This Index must be used for the subdivision lines of a fractional township, but may be used for a full township.

100

SURVIVALS OF A. 7 S. H. 5 W.

Chs.

12.00 Spurt of ridge, bears E. and W.

Descend along broken W. slope 150 ft.

60.00 Spurt of ridge, bears NW. and S.

Descend NW. slope 200 ft.

78.50 Spurt of ridge, 3 lks. wide, course W.

Continue along broken W. slope.

80.00 Set a level stone, 16 x 10 x 1 in.

11 ins. in the ground, for cor. of

secs. 8, 9, 10 and 17, marked with

4 notches on S. and W. edges; and

make a round of stone, 2 ft. 1 in.

1 ft. NW. of cor.

Land, mountainous.

Soil, loam; 2nd. rate.

No timber.

Undergrowth, open.

Mountainous land, or land covered

with dense undergrowth 80.00 on.

MICROFILMED

SEP 29 1992

100

SURVIVALS OF A. 7 S. H. 5 W.

Chs. N. 89° 57' E., on a random line bet.

secs. 9 and 16.

40.00 Set temp. 1 sec. cor.

79.87 Intersect N. and S. line, 13 lks. S.

of cor. of secs. 8, 10, 11 and 16.

Thence I run

S. 89° 57' E., on a true line bet.

secs. 9 and 16.

Over rolling meadow.

9.00 Intersect, 6 lks. wide, course NW.

Leave meadow land.

Ascend N. slope 200 ft. over mount-

ainous land.

10.00 Ridge, bears NW. and SE.

Descend W. slope 250 ft.

5.00 O'Keefe's house, bears N.

6.11 Intersect, 4 lks. wide, course SE.

Foot of descent.

Leave a mountainous land, bears NW. and

the Land, Mountains and River.

5011, 10887, 12240.

110 fiber.

Montaigne Jan 70.50 0000

107. 2: At this cot. I set off 70341

If on the 2nd, 3rd, 4th & 11th 2001.

10.00, observe the sun on the
meridian, the reading 100.10.

●

11. 03. 11. 2011

EVER MOUNTAIN, JULY 1, 1907. 4:30 P. M. 2094-

五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

[illegible]

14. 85 Ravine, Colgate H.

FIVE CORNE, DOWRY

• If the time, however, etc.

Set a basalt stone, 19 x 12 x 7 ins.,
3 ins. in the ground, for a nec.

7 May 1998

To Idaho Dept. Water Resources

Please send a form for change of
ownership to:



Luth D. Berrett

for Berrett Trust - saying

Owen - or - Rita - or Dale

can sign.

RECEIVED

MAY 11 1998

RECEIVED

MAY 08 1998

Department of Water Resources

WATER RESOURCES
WESTERN REGION

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: **A55-04063**
Date Received: 1/17/1989
Receipt No: C005148
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RUTH B BERRETT 541-372-5623
Address: 1280 KLAMATH AVE
NYSSA OR 97913
- AND
- Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913
- AND
- Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: RETA MAY HANSEN, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913
- AND
- Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: OWEN ORSON BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913

2. Date of Priority: APR 6, 1867

3. Source: WILLIAMS CREEK Trib. to: JORDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	05W	15	NW	NW	NE		OWYHEE
		16	NE	SW	NW		OWYHEE

5. Description of diverting works:
DIVERSION DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

7. Total Quantity Appropriated is:

2.400 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

~~300.0 Acre Feet Per Annum.~~ *W*

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	9	NE	SW		IRR	30.0
			SE	SW		IRR	25.0
			NW	SE		IRR	35.0
			SW	SE		IRR	30.0

Section Acres 120.0

Total Acres 120.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

NONE

14. Remarks:

THE MAIN POD IS IN SECTION 15, THE POD IN SECTION 16 IS A
SECONDARY POD.

OWNERSHIP CHANGED BY RDH ON 6/23/92.

OWNERSHIP CHANGED BY RDH ON 7/12/96 PURSUANT TO THE LAST WILL
AND TESTAMENT OF WAYNE L BERRETT, DECEASED.

15. Basis of Claim: STATUTORY CLAIM

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):

[Signature]

Date:

5-6-1998

Date:

State of ~~Idaho~~ Oregon)

) SS.

County of Malheur)

Subscribed and sworn (or affirmed) before me this 7th day

of May 19 98

Kris Ward
Notary Public

Seal



Residing at Maple, Oregon

My Commission Expires 1-16-02

X Ruth D. Bennett

X Owen Berrett

X Reta Hansen

ives of the three Jordan

death
7
0
2

Death,
eath,
ween.
orth Longfellow.

THE OTHER MICHAEL JORDAN



n the early history of Owyhee County there was another Michael Jordan. He and Michael Ignatius Jordan had the following things in common:

- (1) The same name.
- (2) Irish ancestry.
- (3) Both were miners.
- (4) Both helped to construct ditches to divert water from Jordan Creek.
- (5) Both were involved with the construction and operation of toll roads.
- (6) Both were at the Owyhee Mines in 1864.
- (7) Both had some of the same people for friends and business associates.
- (8) Both were inclined to sign their names as: "M. Jordan."
- (9) They were both born in March; Michael I. Jordan being one year younger than Michael Jordan.
- (10) Both had traveled a great deal and lived in some of the same places.

The OWYHEE COUNTY BLUE BOOK, January, 1898 (pages 124-125) has the following biography of "the other" Michael Jordan:

"JORDAN, MR. MICHAEL, now a resident of Reynolds, this county, came to Owyhee in May, 1864, and mined on Jordan creek for three years. For the next five years he followed the wood business, and afterwards had a toll road at South mountain, which he held about eighteen months. Then returned to Silver City, and kept a boarding house on War Eagle Mountain for several years, and had various contracts during that time. Moved to Reynolds creek in 1884 to take charge of a toll road, and since followed that business."

THE DAILY AVALANCHE, Wednesday, May 5, 1875 contained the following advertisement. . .

"NOTICE--is hereby given that I, M. Jordan, have located and surveyed the route for a toll road, commencing at the end of the present toll road from Bullion City to O'Keeffe's ranch in Owyhee County, and extending thence in a northerly and westerly course by the most practical route to Trout Creek until it intersects the road from Winnemucca to Silver City,

and intend to immediately commence the construction of the same; and I also intend to apply to the Board of County Commissioners of said county at the next regular meeting of said Board as appointed by law for the month of July, 1875, for a franchise and license to collect toll upon said road; that the length of said proposed road will be about eleven miles.

That copies of this notice have been posted at each end of the proposed road--one at Trout Creek and one at O'Keefe's ranch, and published in the Owyhee Avalanche.
dated April 8th 1875 M. Jordan."

From the NAMPA LEADER HERALD, February 4, 1916,
is the obituary of Michael Jordan:

"After an illness of nearly a year and a half Michael Jordan died at his home 1516 2nd Street South (Nampa, Idaho) early Wednesday morning. Came to Silver City in 1864. ...he was of the rugged, fearless type that survives the hardships and dangers of a new country, and while he was known as a man of iron will and determination, a man who was ever ready to protect his rights, he was never abusive nor a trouble maker.

He accepted the frontier code and lived squarely up to it, always just, but never yielding one whit from what he believe to be right. A pioneer friend, who has known the deceased man for thirty-five years, summed up his character with these words, 'Mike Jordan was a man--clear through.' Born in Ireland, March 1831; came to New York when 16; 1850 to Panama where he worked on Panama rail-road to 1854; then to California for 10 years; then to Ruby City; in wood business, also in charge of a toll road; then a boarding house on War Eagle Mountain. 1878 married Mrs. Mary Brady, widow with 5 children. In 1884 to Reynolds where he ran toll road; 1887 Mrs. Jordan died, but he continued to run toll road until about 5 years ago when the Owyhee commissioners purchased it and made into county road and Jordan came to Nampa. Lived with daughter, Miss Anna Jordan. Mrs. L. A. York of Boise was a step-daughter."

The Catholic Fathers of St Pauls Catholic Church, Nampa, Idaho have checked their records. The records indicate that Michael Jordan was buried in Mount Calvary Cemetery, Nampa, Idaho. On the church rolls he is listed as, "Michael Jordan," with no other middle name or initial.

comb, Frank Martin, Ole Anderson, John Davidson, Ben White, William Nichols, Peter Donnelly, Mark Leonard, John Posey, W. Cooper, George Graham, J. M. Brunzell, Sr., John Anderson, Nick Maher, William Manning, W. W. Hastings, Al Myers, M. M. Rogers, Joe Rupert, J. J. Outhouse, J. M. Dillenger, Alex Wellman, Frank Armstrong and Paiute Joe and his brother. More than thirty others from the area joined up a bit later.

The volunteers left Silver City on Friday, June 2 for the "front," wherever it might be. That night they camped at O'Keefe's Ranch, seven miles from South Mountain. At the same time, a few miles away, the Indians they sought visited another rancher. Norman Mackenzie, who heard the story from Pete Disenroff himself, says, "The evening before the battle at South Mountain, Buffalo Horn and several of his subchiefs paid a social call to their old friend, Pete Disenroff, who lived on the present Mackenzie Ranch, just below where the main body of warriors was camped. In the past Pete had hired some of the Bannocks to help put up his hay, and since they were passing through, he invited the chiefs to have supper with him. Halfway through the meal a scout galloped up and exchanged a few hurried words with the chiefs, then they all left. Pete later realized that the scout had brought word of the volunteers approach." Despite the feeling of Owyhee settlers, the Indians were not unfriendly to all whites, nor were they inhuman, as sometimes seemed.

Early next morning the volunteers were in the saddle again and about noon they ran head-on into Buffalo Horn's braves. Seeing they were outnumbered, the volunteers broke and fled, barely escaping annihilation. In the running battle volunteers were unhorsed and Chris Steuder was wounded fatally, dead as he fell. O. H. Purdy was also killed. But the day was saved, for someone — it was believed to be

Paiute Joe, according to Sarah Winnemucca, a shot at close range that killed Buffalo Indians, suddenly leaderless, were split away from them quit the war, but the majority fled Egan's Malheurs, the Northern Paiutes, E. Weisers, and some to the Shoshones and the Umatillas. Reports were rampant of ranchers killing in the Steens Mountain country. The operation was hit, causing French and his many miles back to make a stand in the gap at Frenchglen, with the warriors on their flanks. Egan took command of the hostiles who had some three thousand horses, trailing them through the vast eastern Oregon country. Then the Blitzen River near the Rocky Ford, heard the Double-O territory, and along the way the settlers' homes and drove off their horses' livestock.

Captain Bernard was trailing the hostiles numbered three hundred, toward the hearth of the Owyhee. On June 8 Colonel Orlando "Robin" scouts up ahead located the Indian encampment on Battle Creek. But Bernard didn't take the time he needed to replenish his supplies at Silver Lake. Instead he planned to march to the Steens Mountain where the main body of the hostiles was located. Meanwhile, General Howard arrived at Walla Walla and by June 18, he had about a hundred troops in the field.

As Bernard made ready for the Steens, an unexpected ally in Sarah Winnemucca just arrived in Silver City from the Stone House. Her two traveling companions. Coming into from the south were two Indians Sarah knew as friends. They were carrying a dispatch from the commander at Fort McDermitt to "the cave in the field." Sarah was quick to seize the opportunity. With her boldness and quickness

May 4th, 1998

To whom it may concern:

I Mike Hanley, as a lifelong resident of Jordan Valley, local historian, and author of the book "OWYHEE TRAILS" a historical book of the area, it is my belief that there were occupants at what was known as the O'Keefe ranch or what is now known as South Mountain Ranch, by the late 1860's. At which time they were developing hay meadows and ditch systems for the purpose of irrigation.

Sincerely

A handwritten signature in cursive script that reads "Michael L. Hanley". The signature is written in dark ink and is positioned to the right of the typed name "Mike Hanley".

Mike Hanley

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: **A55-04063**
Date Received: 1/17/1989
Receipt No: C005148
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: RUTH B BERRETT 541-372-5623
Address: 1280 KLAMATH AVE
NYSSA OR 97913
- AND
- Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: OWEN ORSON BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913
- AND
- Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: RETA MAY HANSEN, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913
- AND
- Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913

2. Date of Priority: JAN 1, 1905

3. Source: WILLIAMS CREEK Trib. to: JORDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	05W	15	NW	NW	NE		OWYHEE
		16	NE	SW	NW		OWYHEE

5. Description of diverting works:
DIVERSION DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	9	NE	SW		IRR	30.0
			SE	SW		IRR	25.0
			NW	SE		IRR	35.0
			SW	SE		IRR	30.0

Section Acres 120.0

Total Acres 120.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE MAIN POD IS IN SECTION 15, THE POD IN SECTION 16 IS A
SECONDARY POD.

OWNERSHIP CHANGED BY RDH ON 6/23/92.

OWNERSHIP CHANGED BY RDH ON 7/12/96 PURSUANT TO THE LAST WILL
AND TESTAMENT OF WAYNE L BERRETT, DECEASED.

15. Basis of Claim: STATUTORY CLAIM

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 _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

AUG 19 1996

WATER RESOURCES
WESTERN REGION

[] Water Right Number (s): A55-02161

A55-04063

[] Old Mailing Address: PO Box 166

Jordan Valley, OR 97910

[] New Mailing Address: 1280 Klamath Avenue

Nyssa, OR 97913

New Telephone Number: (541) 372 - 5623

[] Signature of Claimant: *Ruth D. Lennett*

Date: 7 Aug 1996

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:



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 , B.M. Deeds & Court
Lot , Block , Subdivision/Townsite . 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 May Hansen*, Trustee Date 5-31-96
Owen Orson Berrett, Trustee Date 5-31-96
Dale L. Berrett, Trustee Date 5-31-96

☐ Signature of Former Owner/Claimant(s): *Ruth B. Berrett* Date 5-31-96
RUTH B. BERRETT, Individually and as the
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

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: **A55-04063**
Date Received: 1/17/1989
Receipt No: C005148
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: RUTH B BERRETT 503-586-2408
Address: PO BOX 166
JORDAN VALLEY OR 97910
AND
Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: OWEN ORSON BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913
AND
Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: RETA MAY HANSEN, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913
AND
Name: THE TESTAMENTARY FAMILY BYPASS TRUST 541-372-5623
Address: DALE L BERRETT, TRUSTEE
1280 KLAMATH AVENUE
NYSSA OR 97913

2. Date of Priority: JAN 1, 1905

3. Source: WILLIAMS CREEK Trib. to: JORDAN CREEK

4. Point of Diversion:

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		16	NE	SW	NW		OWYHEE

5. Description of diverting works:
DIVERSION DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	9	NE	SW		IRR	30.0
			SE	SW		IRR	25.0
			NW	SE		IRR	35.0
			SW	SE		IRR	30.0
						Section Acres	120.0
						Total Acres	120.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE MAIN POD IS IN SECTION 15, THE POD IN SECTION 16 IS A
SECONDARY POD.

OWNERSHIP CHANGED BY RDH ON 6/23/92.

OWNERSHIP CHANGED BY RDH ON 7/12/96 PURSUANT TO THE LAST WILL
AND TESTAMENT OF WAYNE L BERRETT, DECEASED.

15. Basis of Claim: STATUTORY CLAIM

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 _____

GLENN M. LEE
ATTORNEY AND COUNSELOR AT LAW
KEY BANK PLAZA
GAYWAY JUNCTION
16TH AND WHITLEY
FRUITLAND, IDAHO
(208) 452-4000
FAX (208) 452-3044



MAILING ADDRESS:
POST OFFICE BOX 489
FRUITLAND, ID 83619-0489

June 24, 1996

RECEIVED
JUN 26 1996

ATTN: Ron Howerton
IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, ID 83705

WATER RESOURCES
WESTERN REGION

Re: State of Idaho
Water Right Nos. 55-04063 and 55-02161
Estate of Wayne L. Berrett, deceased

Dear Mr. Howerton:

As per our telephone conversations regarding the above-referenced matter, enclosed herewith are:

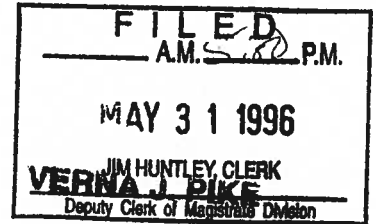
- (1) Original of the New Property Owner, Notice of Change of Water Right Ownership;
- (2) A copy of the previous deed -- Duckett to Berrett, recorded January 6, 1992, as Instrument # 206737, Owyhee County, Idaho; and,
- (3) A conformed copy of the Decree closing the estate to transfer Mr. Berrett's one-half interest to the Trust. Mrs. Berrett is retaining her one-half interest in the property and water rights.

Please notify me when the transfers are completed. If you have questions or I can be of assistance to you, please advise.

Very truly yours,

Glenn M. Lee
Attorney at Law

GML:ag
Enclosures
clt: Ruth B. Berrett
Personal Representative
Rob't D. Butler
Attorney at Law



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,

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**
 ◇+, 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

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-

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. RYAN
Magistrate

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: **A55-04063**
Date Received: 1/17/1989
Receipt No: C005148
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: WAYNE L BERRETT 503-586-2408
Address: PO BOX 166
JORDAN VALLEY OR 97910
OR
Name: RUTH B BERRETT 503-586-2408
Address: PO BOX 166
JORDAN VALLEY OR 97910

2. Date of Priority: JAN 1, 1905

3. Source: WILLIAMS CREEK Trib. to: JORDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	05W	15	NW	NW	NE		OWYHEE
		16	NE	SW	NW		OWYHEE

5. Description of diverting works:
DIVERSION DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	9	NE	SW		IRR	30.0
			SE	SW		IRR	25.0
			NW	SE		IRR	35.0
			SW	SE		IRR	30.0
						Section Acres	120.0
						Total Acres	120.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE MAIN POD IS IN SECTION 15, THE POD IN SECTION 16 IS A
SECONDARY POD.
OWNERSHIP CHANGED BY RDH ON 6/23/92.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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SEP 29 1992

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 _____

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SEP 29 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
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)

☒ Water Right Number(s) WILLIAMS CR WEST CREEK
Assigned by IDWR: A55-04063 & A55-02161

☒ Name and Address of Former Owner/Claimant(s)(Seller): DEAN & ELAINE DUCKETT

☒ New Owner/Claimant (Purchaser): PO BOX 336
JORDAN VALLEY

☒ New Mailing Address: WAYNE L. / OR RUTH B. BERRETT
PO BOX 166
97910 JORDAN VALLEY

☒ New Telephone Number: (503) 586 - 2408

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: DEED

(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) Wayne L. Berrett Date June 18/1982

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(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

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SEP 29 1992

BARGAIN AND SALE DEED

1. DATE, NAMES OF PARTIES AND ADDRESSES

- 1.1 Date. This bargain and sale deed is executed and delivered by grantors to grantees on September 10, 1991.
- 1.2 Name of Grantors and Address. Dean W. Duckett and Elaine B. Duckett, husband and wife, whose mailing address is P.O. Box 366, Jordan Valley, OR 97910 are the grantors.
- 1.3 Name of Grantees and Address. Wayne L. Berrett and Ruth B. Berrett, husband and wife, whose mailing address is P.O. Box 66, Jordan Valley, OR 97910 are the grantees.

2. CONVEYANCE

For value received, grantors grant, bargain sell and convey to grantees all of their right, title and interest in and to certain real property located in Owyhee County, Idaho, and more particularly described as follows:

IN TOWNSHIP 7, South, Range 5 West, B.M., OWYHEE COUNTY, IDAHO:

Section 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 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
Section 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 $\frac{1}{4}$
Section 16: W $\frac{1}{2}$

3. SIGNATURES


Dean W. Duckett


Elaine B. Duckett

FILED - RECORDED
92 JAN 6 PM 2 28
BARBARA JAYO
OWYHEE COUNTY RECORDER
BY E. Sheehan
DEPUTY
REQUEST OF
Wayne L. Berrett
FEE 6.00
INDEXED
MICROFILMED

206737

4. ACKNOWLEDGMENTS

STATE OF IDAHO)
) ss.
County of OWYHEE)

On September 10, 1991, before me, the undersigned, a notary public in and for said county and state, personally appeared Dean W. Duckett, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

Ed Bug 0178
Notary Public for IDAHO
Residing at CALDWELL, IDAHO
Commission Expires 12-10-96

STATE OF IDAHO)
) ss.
County of OWYHEE)

On September 10, 1991, before me, the undersigned, a notary public in and for said county and state, personally appeared Elaine B. Duckett, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

Ed Bug 0178
Notary Public for IDAHO
Residing at CALDWELL, IDAHO
Commission Expires 12-10-91