

FEB-25-1997
0001

RIGHT NUMBER:

72-10298

NAME AND ADDRESS:

L CLYEL BERRY
JILL BERRY
RT 2
3469 E 3100 M
3469 E 3100 N
KT 2
KIMBERLY ID 83341

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE:

08/01/1976

POINT OF DIVERSION:

T11N R15E S25

NENESE

Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

DOMESTIC
T11N R15E S25

Within CUSTER County
NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP990000006800
PROPERTY ALSO KNOWN AS TRACT 77-30, E 1/2 ELKHORN SUR. #3580,
BAYHORSE DIST.

all
SCANNED
JUN 27 2014

AJ5809NP
No. R72-10298

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/17/97
PAGE: 3

Comments: Date: 01/14/1997 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 07/06/93 SMITH 03/30/95 POST-STD 01/14/97 DS1-PROD

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: **A72-10298**
Date Received: 12/11/1989
Receipt No: C013443
Received By: _____

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

1. Name: L. CLYEL BERRY 208-423-4435
Address: 3469 E 3100 N
RT 2
KIMBERLY ID 83341
AND
Name: JILL BERRY 208-423-4435
Address: 3469 E 3100 N
RT 2
KIMBERLY ID 83341

2. Date of Priority: AUG 1, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	15E	25	NE	NE	SE		CUSTER

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	15E	25	NE SE		DOMEST	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
72-07098

14. Remarks:

PROPERTY IS TRACT 77-30, E 1/2 ELKHORN SUR. #3580, BAYHORSE DIST.
OWNERSHIP CHANGE 3/6/92 BY JR.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Last Name: FRENCH

**S
E
L**

First
Name

OWN

Water
Right No.

Priority
Date

Source

Total
Diversion

Use	
Code	Desc

FRENCH

THURLO H.

C A72-10298

08/01/1976

GROUNDWATER

0.040

43 DOMEST

THURLO H.

C A72-10298

08/01/1976

GROUNDWATER

0.040

43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

MAR 19 1993

SD-0604-2 Township: 11N Range: 15E Section: 25			Tract:		Lot:				
S	L	STATE	O	S	Max # Records	37			
E	O	Water	Name	T	Priority	Use			
L	Tract T	Right No.	Last, First	N	AC	G	Date	Code	Desc
---	---	-----	-----	---	---	---	-----	---	-----
---	NWSW	A72-04052	KIMBLE, WINFREY K.	C		J	05/09/1900	01	IRR
---								04	STOCK
---								43	DOMEST
---	NWSW	A72-10097	HARRISON, DR. REXFORD	C		J	06/30/1970	43	DOMEST
---	NESE	A72-07098B	TREON CREEK WATERUSERS	C		L	04/03/1980	43	DOMEST
---			FRENCH, THURLO H.	R					
---	NESE	A72-07098A	ARMOUR, SAM	C		L	04/03/1980	43	DOMEST
---			ARMOUR, HOPE	C					
---	NESE	A72-07098	TREON CREEK WATERUSERS	O			04/03/1980	43	DOMEST
---			SPLIT RIGHT	C					
---	NESE	A72-10298	FRENCH, THURLO H.	C		J	08/01/1976	43	DOMEST
---			FRENCH, THURLO H.	C					
---	NESE	A72-02136	MARSHALL, THOMAS R.	O		L	01/18/1966	43	DOMEST
---			ROBERTS, CLEO	C				13	MINING
---			FULLER, CLYDE	C					
---	NESE	A72-02136	MARSHALL, THOMAS R.	O		L	01/18/1966	43	DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

MAR 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-Mar-1992

RE: ADJUDICATION CLAIM NO. A72-10298 - FRENCH

L. CLYEL BERRY
JILL BERRY
3469 E 3100 N
KIMBERLY ID 83341

Dear Claimant(s):

Enclosed please find a copy of a computer-generated claim based on the information from your original claim, which has been entered in our records.

Please review the claim for accuracy. In a few instances, clarifications may have been added by the Department at the time of data entry. Should you have any questions or objections regarding this record of your claim, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over the typed name and title.

Jeanie Robertson
Records Clerk

/jr
Enclosures

MICROFILMED

MAR 19 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAR 4 1992

Department of Water Resources

DATE OF CLOSING: 10-15-91

LEGAL DESCRIPTION OF PROPERTY: Township 11N Range 15E
Section 25 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. please see attached copy of Warranty Deed

[] 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)
Assigned by IDWR: _____

A72-10298

MAR 06 1992

Department of Water Resource
Southern Region Office

[] Name and Address of Former
Owner/Claimant(s)(Seller): _____

Thurlo H. French
6404 W. Kuna Rd.
Kuna, ID 83634

[] New Owner/Claimant
(Purchaser): _____

L. Chel and Jill Berry

[] New Mailing Address: _____

3469 East 300 North
Rt 2

[] New Telephone Number: _____

Kimberly Idaho 83341
(208) 423-4435

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
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: _____

copy of Warranty 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) _____

Date 3-2-92

[] Signature of Former
Owner/Claimant(s): _____

Date _____

Date 2/27/92Date 2/27/92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 3/6/92 By: [Signature]

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data Entry

Date: 3/6/92 By: [Signature]

Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

MAR 19 1993

WARRANTY DEED

0200403

For Value Received

Thurlo H. French and Dorothy M. French, husband and wife

the grantor s , do hereby grant, bargain, sell and convey unto

L. Clyel Berry and Jill Berry, husband and wife

the grantee s , whose current address is Box 302, Twin Falls, ID 83301

the following described premises, in Custer County, Idaho, to-wit:

RECEIVED

MAR 06 1992

Department of Water Resources
Southern Region Office

A fraction of the Easterly one-half of Mineral Survey No. 3580, in approximate Section 25, Township 11 North, Range 15 East, Boise Meridian, Custer County, Idaho, more particularly described as follows, to-wit:

Commencing at Corner No. 4 of said Mineral Survey No. 3580, run thence South 2°19' East, 620.94 feet to the Point of Beginning, and the Northwesterly corner of the tract of land herein described; continuing thence South 2°19' East, 117.68 feet; thence North 79°45' East, 486.05 feet to a point on the Easterly boundary of Mineral Survey No. 3580; thence North 21°07' West along the Easterly boundary of Mineral Survey No. 3580 a distance of 118.63 feet; thence South 79°45' West, 448.06 feet to the Point of Beginning.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s , their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s , that they the owner s in fee simple of said premises; that they are free from all incumbrances

and that , the y will warrant and defend the same from all lawful claims whatsoever.

Dated: October 4, 1991

Thurlo H. French
Thurlo H. French

Dorothy M. French
Dorothy M. French

STATE OF IDAHO

COUNTY OF Custer

On this 4 day of Oct, in the year 19 91, before me, a Notary Public, personally appeared Thurlo H. French & Dorothy M. French known or identified to me to be the person whose name s are subscribed to the within instrument, and acknowledged to me that the y executed the same.

Jerry Zundberg
Notary Public
Residing at Stanley, Idaho.

EXPIRES JUNE 6 1994

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of Custer County Title

at 5 minutes past 3 o'clock P.M.,
this 15th day of October,
19 91, in my office, and duly recorded in Book
of Deeds at page

Ethel M. Peck
Ex-Officio Recorder

By Wandy Murphy
Deputy.

Fees \$ 3.00
Mail to:

INSTRUMENT No.



L. CLYEL BERRY, CHARTERED
ATTORNEY AND COUNSELLOR AT LAW

P.O. Box 302
FIRST INTERSTATE BANK BUILDING
TWIN FALLS, ID 83303-0302



Idaho Dept of Water Resources
Statehouse Mail, Water Adjudication Bureau
Boise Idaho
83720-9000

MICROFILMED
MAR 19 1993

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: A72-10298
Date Received: 12/11/1989
Receipt No: 2013443
Received By: [Signature]

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THURLO H. FRENCH
Address: P.O. BOX 68
STANLEY, ID

83278

OR

Name: THURLO H. FRENCH
Address: 6404 W. KUNA RD.
KUNA, ID

208-467-3946

83634

2. Date of Priority: AUG 01, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	15E	25	NE	NE	SE		CUSTER

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME

A72-10298

Page 1

Date: 12/11/89

MICROFILMED
MAR 19 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	15E	25	NE SE		DOMEST	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
72-07098

14. Remarks:
PROPERTY IS TRACT 77-30, E 1/2 ELKHORN SUR. #3580, BAYHORSE DIST.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 0

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): Charles H. French Date: 12/11/89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of December 19 89 [Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 10-15-91

Ken Dunn

RECEIVED
MAR 4 1992
Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 11N Range 15E
Section 25 1/4 of NE 1/4 of SE 1/4 Govt. Lot BM
Lot , Block , Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet. *please see attached copy of Warranty Deed*

☐ 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)
Assigned by IDWR:

Has NOT been assigned
A72-10298

☐ Name and Address of Former Owner/Claimant(s)(Seller):

TO CONTRACTOR
Thurlo H. French
6404 W. Kuna Rd.

☐ New Owner/Claimant (Purchaser):

Kuna, ID 83634
L. Cheryl and Bill Berry

☐ New Mailing Address:

3469 East 300 North
Rt 2

☐ New Telephone Number:

Kimberly Idaho 83341
(208) 423-4435

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
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:

copy of Warranty 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)

L. Cheryl Berry

Date 3-2-92

☐ Signature of Former Owner/Claimant(s):

Thurlo H. French
Dorothy M. French

Date 2/27/92

Date 2/27/92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 3/6/92 By: [Signature]

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: 3/6/92 By: [Signature]

Claim Numbers of Split, if any:

MICROFILMED

NOV 01 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WATER RIGHT NUMBER - A72-10298

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (C) NUMBER -

[illegible]

*** C - CURRENT OWNER ***
BERRY

TEL. 7347

1 - 3469 E 3100 N
2 - RT 2
3 -

STATE- ID ZIP- 83341

BERRY

211

CITY- KIMBERLY
PHONE - 208-423-4435
1 - 3469 E 3100 N
2 - RT 2

STATE- ID ZIP- 83341

*** O - ORIGINAL OWNER ***
FRENCH

THURLO H.

1 - P.O. BOX 68
2 - - -
3 - - -

STATE- ID ZIP- 83278

CITY- STANLEY
PHONE - 208-000-0000
1 - 6404 W. KUNA RD.

INDEX

THURSDAY

STATE- ID ZIP- 83634

CITY - KUNA
PHONE - 208-467-3946

+ - -	PRIORITY DATE	- - +	+ - -	REGION	- - -	+ - -	STAGE	- - -	+ - -	STATUS	- - -
	08/01/1976			17 SOUTHERN			J - BENEFICIAL USE				

```

+ - - - - SOURCE - - - - - +
+ - - - - GROUNDWATER - - - - -
+ - - - - TRIBUTARY - - - - - +

```

[illegible]

	11N	15E	25	NE	NE	SE	(37)	CUSTER
11N								
15E								
25								
NE								
NE								
SE								
(37)								
CUSTER								

[illegible]

43 - DOMESTIC	01/01	12/31	0-040
---------------	-------	-------	-------

[illegible]

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE	OF USE	CODE	DESCRIPTION	COUNTY
-----	-----	-----	-------	-----	-------	-------	--------	------	-------------	--------

11N	15E	25	NE SE	43	DOMESTIC
-----	-----	----	-------	----	----------

(37) CLUSTER

+ - - DIVERSION MEANS - WELL & PUMP

+ - - NON-IRRIGATION USE - DOMESTIC 1 HOME

MICROFILMED

7661 01 1994

WATER RIGHT NUMBER - A72-10298

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - OTHER RIGHTS FOR SAME USE - 72-07098

+ - - - - - REMARKS - - - - -
PROPERTY IS TRACT 77-30, E 1/2 ELKHORN SUR. #3580, BAYHORSE DIST.
OWNERSHIP CHANGE 3/6/92 BY JR.

+ - - - - - OLD WATER RIGHT NUMBERS - - - - -
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - DECREE DEFENDANT - - - +
00/00/0000

+ - - AUDIT FIELDS - 12/11/89 SHAFF 03/06/92 ROBERTSD

+ - - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 12/11/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PCDOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- C013443	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND	NOTICE OF ERROR FLAG	-

RP 990000006800

DATA ENTRY

ENTERED 9-6-93
CHECKED 2/21/94

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
AUG 26 1992

CERTIFIED
AUG 28 1992
WATER EXAMINER