

AJ5856NP

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

DATE: SEP-9-1997

PAGE: A-482

RIGHT NUMBER: 45-10720

NAME & ADDRESS: JUNE CAREY  
KENNETH P CAREY  
RT 2 BOX 2106  
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 07/15/1957

POINT OF DIVERSION: T10S R23E S29 NESWSW Within CASSIA County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE | QUANTITY |
|-------------------------------|-----------------|---------------|----------|
|                               | DOMESTIC 1 HOME | 01-01 12-31   | 0.04 CFS |

PLACE OF USE: DOMESTIC Within CASSIA County  
T10S R23E S29 SWSW

OTHER PROVISIONS 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. 10S23E290250 (T1229)

Claim proofread by: CA  
Date: 9-26

D

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: A45-10720  
Date Received: 5/22/1989  
Receipt No: S007255  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: JUNE CAREY 208-678-2901  
Address: 462 E HWY 81  
BURLEY ID 83318

AND/OR

Name: KENNETH P CAREY 208-678-2901  
Address: 462 E HWY 81  
BURLEY ID 83318

2. Date of Priority: JUL 15, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 10S      | 23E   | 29      | NE     | SW     | SW  |     | CASSIA |

5. Description of diverting works:  
WELL & PUMP

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 HOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 10S      | 23E   | 29      | SW     | SW  |     | DOMEST |       |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
1/6/98 TF; ADDRESS CHANGED FROM ROUTE AND BOX TO GRID SYSTEM.

15. Basis of Claim: BENEFICIAL USE



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

January 28, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

KENNETH P CAREY  
JUNE CAREY  
462 E HWY 81  
BURLEY ID 83318

RE: SRBA Claim(s) A45-10720 and A45-10721

Dear Mr. and Mrs. Carey:

Thank you for returning the Change of Ownership form sent to you by Sally Sherman of our State Office. Although there has been no ownership change to your claims (as explained to you by Sally) the form did serve to notify us of your new grid address.

The two claims listed above have been modified to reflect your correct address and enclosed you will find computer print-outs showing the change. Please review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Trish Fawcett".

Trish Fawcett  
Technical Records Specialist

enc.

RECEIVED

DEC 10 1997

Department of Water Resources  
Southern Region

MEMORANDUM

DATE: December 2, 1997  
TO: Files A45-10720 & A45-10721  
FROM: S. Sherman  
RE: Ownership Change and Telephone Conversations

Investigating claims at the Cassia County Assessor's office prompted an ownership change letter to Mr. and Mrs. Kenneth Carey. I enclosed the ownership change form and a profile report of rights (formerly) owned by Steve & Suzanne Gochnour (A45-12744, A45-12745 & A45-12746).

Mrs. Carey completed the form without looking at the profile reports I'd enclosed and wrote Gochnour's three claim numbers on the form. This was incorrect. The land Careys have in Sec. 36 is irrigated from canal water only.

Gochnours have land in the surrounding quarters (see map from Assessor's office) and still own the small parcel with tax number T2414 (highlighted on map). See also the tax id cards faxed to me by assessor's office.

Mrs. Carey submitted a warranty deed with the ownership change form dated 1982 from Monroe and Jeanne Adams in Sections 19 and 20. She also enclosed two maps, one of which shows the Carey Pump. Carter was helping me with this by now, and had me ask Mrs. Carey if she was pumping out of the canal or the river. She told me she was pumping from the river, but had permission from the canal company and a letter from Dave Carlson dated 1989 mentioning two claims (A45-10720 and A45-10721).

Carter and I found the canal company has a P.O.D. which is identical to Carey's in Sec. 19, Lot 1. I called Mrs. Carey again and told her everything was okay and to ignore my letters regarding an ownership change.

*army w/ICs - See memo to files A45-10720 A45-10721*

RECEIVED

NOV 10 1997

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s).: ~~A45-12744~~, ~~A45-12745~~, ~~A45-12746~~

Adjudication Claim No(s).: SRBA (acclms in Sec. 36-00 11-19-96)  
(Filed in 6-1994)

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Monroe and Jeanne M Adams  
400S 200W Burley Ida 83318

4. New Owner/Claimant(s)

Kenneth P. + June Carey

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

462 E Hwy 81 Burley, Ida 83318

New Telephone Number

(208) 678-2901

5. Date you acquired the property

4/26/82

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Kenneth P. Carey  
June Carey

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

142911

# WARRANTY DEED

For Value Received

MONROE ADAMS and JEANNE M. ADAMS, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto  
KENNETH P. CAREY and JUNE CAREY, husband and wife  
1510 Overland Avenue - Burley, Idaho 83318

the grantee, the following described premises, to-wit:

TOWNSHIP 10 SOUTH, RANGE 22 EAST, DOISE MERIDIAN  
Section 19: Government Lots 1 and 2, LESS all that part  
lying South of the Railroad.

Section 20: All that part of the W<sup>1</sup>/2SW<sup>1</sup>/4 described as follows:

Commencing at the Southwest corner of said Sec. 20; running thence East 1110 feet; thence North 664 feet; thence West 383 feet; thence North to the South shore line of the Milner Dam Reservoir; thence Southwesterly along said South shore line to the section line between Sections 19 and 20; thence South to the Place of Beginning.

LESS all that part lying South of the Railroad.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

## SUBJECT TO:

General taxes for the year 1982, and subsequent years.

Assessments of the Burley Irrigation District, and the rights and powers of said District as by law provided.

AGREEMENT, recorded October 5, 1949 as Instrument No. 167046 in Book 7 of B.S. & A. on pages 408, 409 and 410, records of Cassia County, Idaho. (As to maintenance and operation of Milner Dam.)

AGREEMENT, recorded October 5, 1949 as Instrument No. 167047 in Book 7 of B.S. & A. on pages 410 and 411, records of Cassia County, Idaho. (As to maintenance and operation of Milner Dam.)

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owner in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 26, 1982

*Monroe Adams*  
MONROE ADAMS

*Jeanne M. Adams*  
JEANNE M. ADAMS

STATE OF IDAHO, COUNTY OF CASSIA

On the 26<sup>th</sup> day of April, 1982, before me, a notary public in and for said State, personally appeared

MONROE ADAMS and JEANNE M. ADAMS,  
husband and wife

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

*Richard S. Harper*  
Residing at *Burley*, Idaho. Comm. Expires *Life*

FOR RECORDING ONLY:

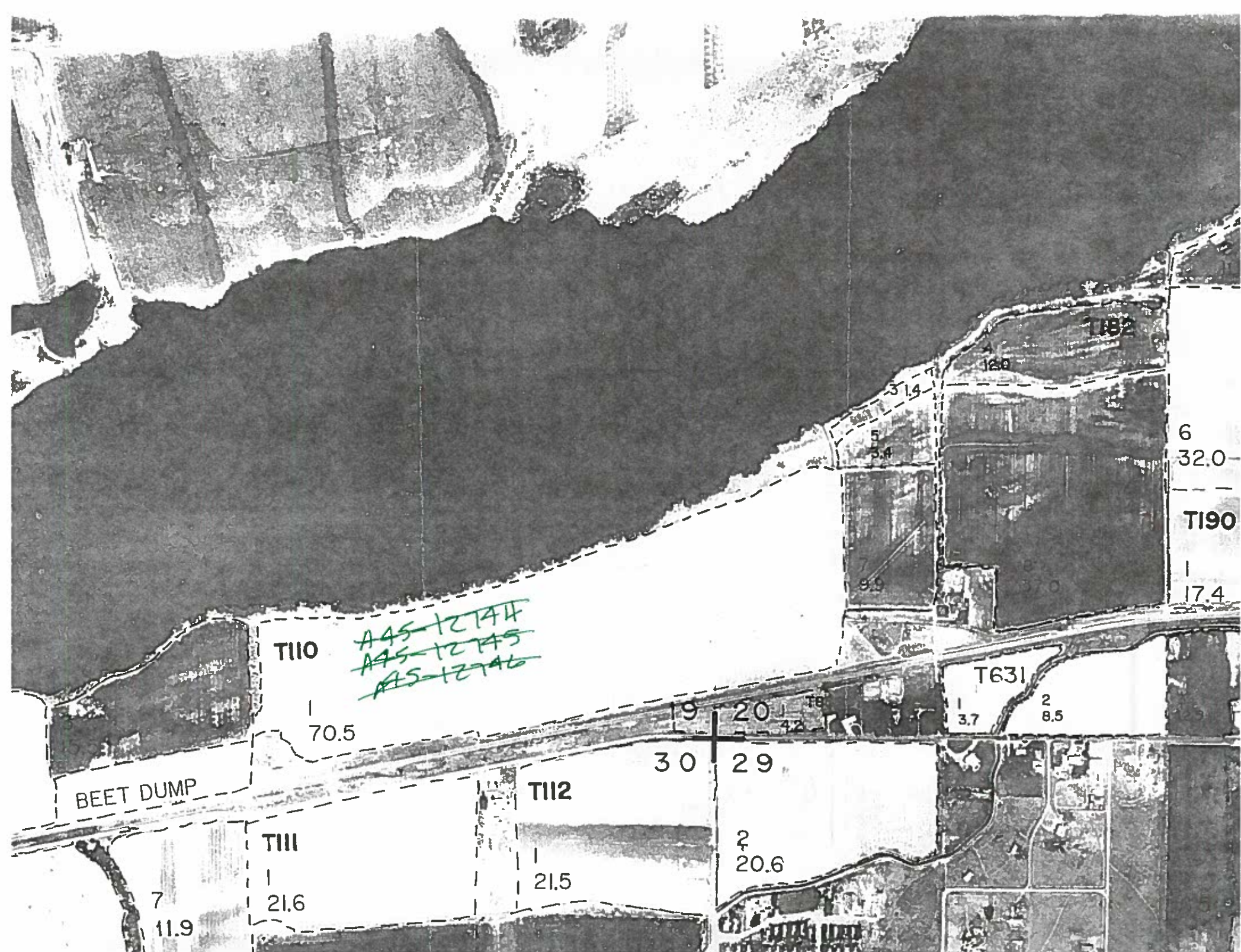
RECORDED AT THE CLERK OF  
CASSIA COUNTY ABSTRACT  
FILE 149  
APR 27 3 01 PM '82  
CASSIA COUNTY CLERK  
J. JOHNS  
RECEIVED

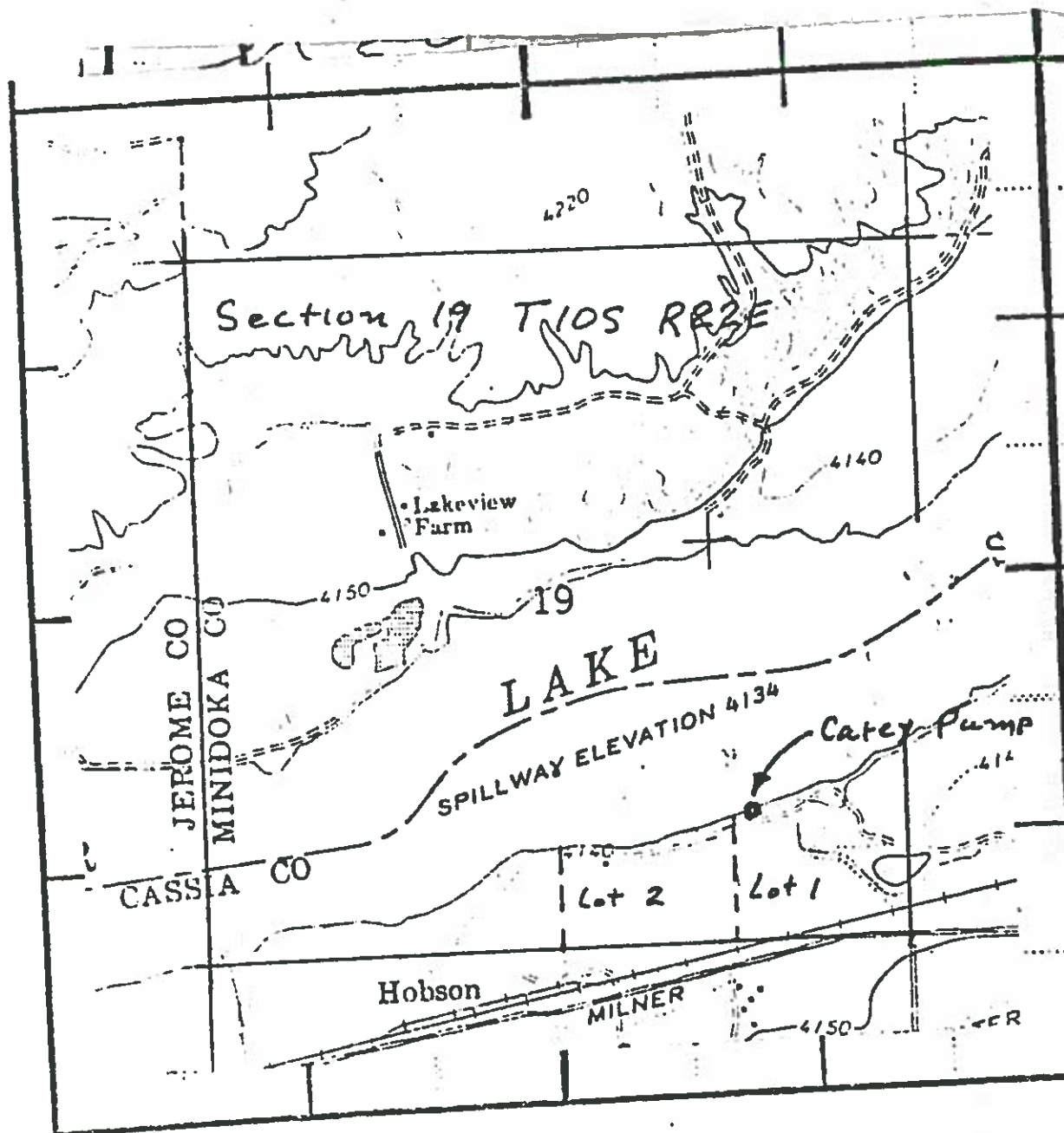
142911

REMISSA-BURLEY 10

1982

APRIL





SCALE: 2 inches equal 1 mile. Draw plan in ink.

~~A45-12744, A45-12745 & A45-12746~~  
This is a P.O.P. of B.F.D.  
RS

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: A45-10720  
Date Received: 5/22/1989  
Receipt No: S007255  
Received By:                     

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: KENNETH P. CAREY 208-678-2901  
Address: RT 2 BOX 2106  
BURLEY, ID 83318

AND/OR

Name: JUNE CAREY 208-678-2901  
Address: RT 2 BOX 2106  
BURLEY, ID 83318

2. Date of Priority: JUL 15, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 10S      | 23E   | 29      | NE     | SW     | SW  |     | CASSIA |

5. Description of diverting works:  
WELL & PUMP

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 HOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 10S      | 23E   | 29      | SW SW      |     | DOMEST |       |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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

Identification No. \_\_\_\_\_

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

NOTICE OF CLAIM  
TO A  
WATER RIGHT

ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

RECEIVED

MAY 22 1989

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Kenneth Carey or June Carey Phone (208) 678-2901

Mailing Address #2 Box 2106 Burley, Idaho Zip \_\_\_\_\_

2. Date of Priority (Only one per claim) July 15, 1957 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other ( ) (a) \_\_\_\_\_

Name or kind of source

which is tributary to (b) \_\_\_\_\_

4. Location of point of diversion is: Township 10 Range 23

Section 29 NE 1/4 of 54 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, BM.,

County of Cassia

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well and pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount 0.04 (cfs)

(Both dates are inclusive)

For Stockwater purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one house

MICROFILMED

MAR 08 1993

10. Place of use is: Township: 10 Range 23  
Section 29 SW 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any \_\_\_\_\_

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

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. None ( )

14. Remarks: \_\_\_\_\_

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

16. Signature (s) no docket

Number of Attachments \_\_\_\_\_

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

Signature of Claimant (s) June Carey Date May 19, 89  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_ Title \_\_\_\_\_  
Organization \_\_\_\_\_, that I have signed the foregoing  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title \_\_\_\_\_ Organization \_\_\_\_\_  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Cassia ) SS.

Subscribed and sworn (or affirmed) before me this 19 day of May 19 89

SEAL

Notary Public Bruce A. Schuld

Residing at BRUCE A. SCHULD, NOTARY PUBLIC

My Commission Expires RESIDING AT BOISE, IDAHO  
MY COMMISSION EXPIRES APRIL 11, 1995

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 08 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

July 19, 1989

Re: A45-10720  
A45-10721

KENNETH P CAREY  
RT 2 BOX 2106  
BURLEY ID 83318

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

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

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens  
Adjudication Secretary

/jg

Enclosures:

MICROFILMED  
MAR U 8 1993



