

**STARTING
LEFT
SIDE OF
FILE**

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 67-635
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

BRUCE KERNER Phone: (208)549-2174

1819 WEISER RIVER RD
WEISER ID USA 83672

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1916

3. Source: MANN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.3	

7. Total Quantity Appropriated is:
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	05W	1	NE	NE	IRRIGATION	11
			NE	NW	IRRIGATION	21
			NW	NE	IRRIGATION	30
					Section Acres	62
					Total Acres	62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Claim amended 6/2/06 - DLN

15. Basis of Claim: Decreed

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

of _____ 20__

Notary Public

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
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1916

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	BK

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.3	BK

7. Total Quantity Appropriated is:

0.3 C.F.S.

BK

SCANNED
JUN 01 2006

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW	NW	4	IRRIGATION 28
			SW	NW	5	IRRIGATION 10 BK
Section Acres						38 BK
10N	05W	1	NE	NE		IRRIGATION 11
			NW	NE		IRRIGATION 30
			NE	NW		IRRIGATION 21
Section Acres						62
11N	04W	31	SW	SW	4	IRRIGATION 22 BK
Section Acres						22 BK
Total Acres						62 BK

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

~~THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941
AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO
EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE
ATTACHED COPY OF AGREEMENT~~ BK

15. Basis of Claim: Decreed

16. Signature(s)

SCANNED

JUN 01 2008

(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): Bruce Kerner Date: 5/30/06

Date: 5-30-06.

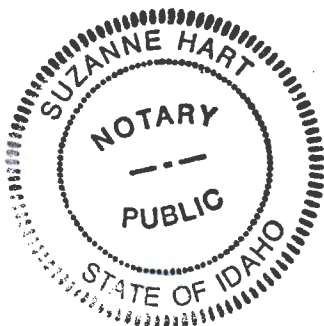
State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 30
of May 2006

Suzanne Hart
Notary Public

Residing at Weiser, ID.

My commission Expires 8-1-06.



SCANNED

JUN 01 2006

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 67-635
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1916

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.3	

7. Total Quantity Appropriated is:

0.3 C.F.S.

SCANNED
JUN 01 2006

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW NW	4	IRRIGATION	28
<i>L.K.</i>			SW NW	5	IRRIGATION	10
Section Acres						38
10N	05W	1	NE NE		IRRIGATION	11
			NW NE		IRRIGATION	30
			NE NW		IRRIGATION	21
Section Acres						62
11N	04W	31	SW SW	4	IRRIGATION	22
<i>L.K.</i>						
Section Acres						22
Total Acres						62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

~~THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT~~

L.K.

15. Basis of Claim: Decreed

16. Signature(s)

SCANNED
JUN 01 2006

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

Number of attachments: _____

For Individuals:

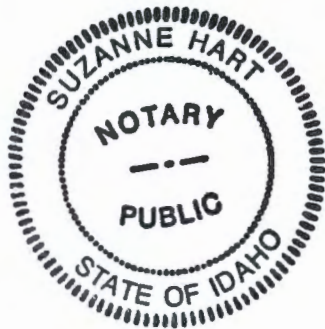
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Lola D. Kerner Date: 5/30/06

Date: 5-30-06.

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 30
of May 2006



[Signature]
Notary Public

Residing at Wenatchee, ID

My commission Expires 8-1-06

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: A67-00635
Date Received: 9/26/1989
Receipt No: M004698
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILTON KERNER 208-549-2795
Address: 1733 WEISER RIVER ROAD
WEISER, ID 83672

OR
Name: LOLA DEANE KERNER 208-549-2795
Address: 1733 WEISER RIVER ROAD
WEISER, ID 83672

2. Date of Priority: APR 01, 1916

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	04W	31	NW	SW			WASHINGTON

5. Description of diverting works:
DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.210		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

SCANNED
APR 07 2004

A67-00635

Page 1

Date: 09/26/89

MICROFILMED

OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	04W	6	NW	NW	4	IRR	28.0
			SW	NW	5	IRR	10.0
			Section Acres				38.0
	05W	1	NE	NE		IRR	20.0
			SE	NE		IRR	40.0
			Section Acres				60.0
11N	04W	31	SW	SW	4	IRR	22.0
			Section Acres				22.0
			Total Acres				120.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00614, A67-00620

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.

Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): Milton Kerner Date: 9/26/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of Sept 19 89

William Gene Gibson
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 9-2-1994

**STARTING
RIGHT
SIDE OF
FILE**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-635 V1

WATER RIGHT NUMBER: 67-635 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MILTON KERNER 1733 WEISER RIVER RD WEISER, ID 83672 (208)549-2795
Current Owner	LOLA DEANE KERNER 1733 WEISER RIVER RD WEISER, ID 83672 (208)549-2795

Priority Date: 04/01/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.210 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

MANN CREEK	NW1/4SE1/4	Sec. 19, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	1	11.0	30.0			21.0												62.0

Total Acres: 15

Conditions of Approval:

1. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.
2. E55 Right Nos. 67-608, 67-620 and 67-635 are limited to the irrigation of a combined total of 62 acres in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-635 V1

5. K06 This right is limited to the irrigation of 15 acres within the place of use described above in a single irrigation season.
6. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.

Remarks:Comments:

1. segbert 6/18/2004 Source

Comment: They claimed the Weiser River instead of Manns Creek as the source

2. segbert 6/18/2004 POU

Comment: They claimed a lot more land than is listed on the decree

3. segbert 6/18/2004 Quantity

Comment: Cannot verify the quantity

4. dnarsavage 2/21/2006 Source

Comment: The 1941 agreement cited by the claim specifically excludes the water going onto this land from Mann Creek. It only deals with storage water coming from Crane Creek Reservoir. Presumably then, the claimants must change the claimed source and provide a new POD in Mann Creek on their claim.

5. dnarsavage 5/4/2006 Source

Comment: Per Carter: I can change the source back to Mann Creek given the evidence from Monica Van Bussum field exam and the fact that 67-620 & 67-635 were decreed from Mann Creek to begin with.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.21		62
Combined Water Rights: 67-620 , 67-635 , 67-608		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/18/2004 8:27:46 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-635 V1

Priority Date	6/18/2004 8:27:52 AM	segbert	Active
Source	6/18/2004 8:28:16 AM	segbert	Active
POU	6/18/2004 8:29:48 AM	segbert	Active
Use	6/18/2004 8:40:03 AM	segbert	Active
Season	6/18/2004 8:40:27 AM	segbert	Active
Quantity	6/18/2004 8:41:13 AM	segbert	Active
POD	6/18/2004 8:46:55 AM	segbert	Active
Priority Date	5/4/2006 10:17:59 AM	dnarsavage	Active
POD	5/4/2006 10:18:18 AM	dnarsavage	Active
Source	5/4/2006 10:20:27 AM	dnarsavage	Active
POU	5/4/2006 10:21:05 AM	dnarsavage	Active
POU	5/4/2006 10:25:15 AM	dnarsavage	Active
Use	5/4/2006 10:25:29 AM	dnarsavage	Active
Season	5/4/2006 10:27:52 AM	dnarsavage	Active
Quantity	5/4/2006 10:29:16 AM	dnarsavage	Active
Summary		05/04/2006 dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer:</u>	<u>Log text</u>
Priority Date	6/18/2004 8:27:52 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Source	6/18/2004 8:28:15 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (No) 5. Can the claimed source be verified using the water right file?
POU	6/18/2004 8:29:48 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file?
Priority Date	6/18/2004 8:27:45 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-635 V1

POD	6/18/2004 8:46:55 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Use	6/18/2004 8:40:03 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	6/18/2004 8:40:26 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	6/18/2004 8:41:13 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POD	5/4/2006 10:18:58 AM	dnarsavage	Updated PLS
Use	5/4/2006 10:25:29 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	5/4/2006 10:18:47 AM	dnarsavage	Updated shape
POU	5/4/2006 10:23:02 AM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-635 V1

POU	5/4/2006 10:25:15 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Galloway Ditch presumably changed irrigation practices in this area - moved this right from NWNW to NENW, where there was no decreed right. Description for Question 13 - Field exam by Monica Van Bussum
Season	5/4/2006 10:27:52 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/4/2006 10:29:16 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Claimants claimed low-water decreed amount rather than high-water. They covered this in MVBs field exam and indicated the high-water amount.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-635 V1

POU	5/4/2006 10:21:05 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	5/4/2006 10:23:17 AM	dnarsavage	Updated PLS for Active POU
General	5/4/2006 10:18:00 AM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?
POD	5/4/2006 10:18:19 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	5/4/2006 10:20:27 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (No) 5. Can the claimed source be verified using the water right file? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Per Carter: I can change the source back to Mann Creek given the evidence from Monica Van Bussum field exam and the fact that 67-620 & 67-635 were decreed from Mann Creek to begin with.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-635 V1

Summary	5/4/2006 10:30:39 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
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Water Supply Bank:



Idaho Department of Water Resources

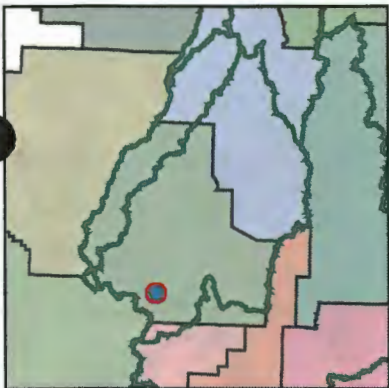
SRBA Recommendation:

67-635

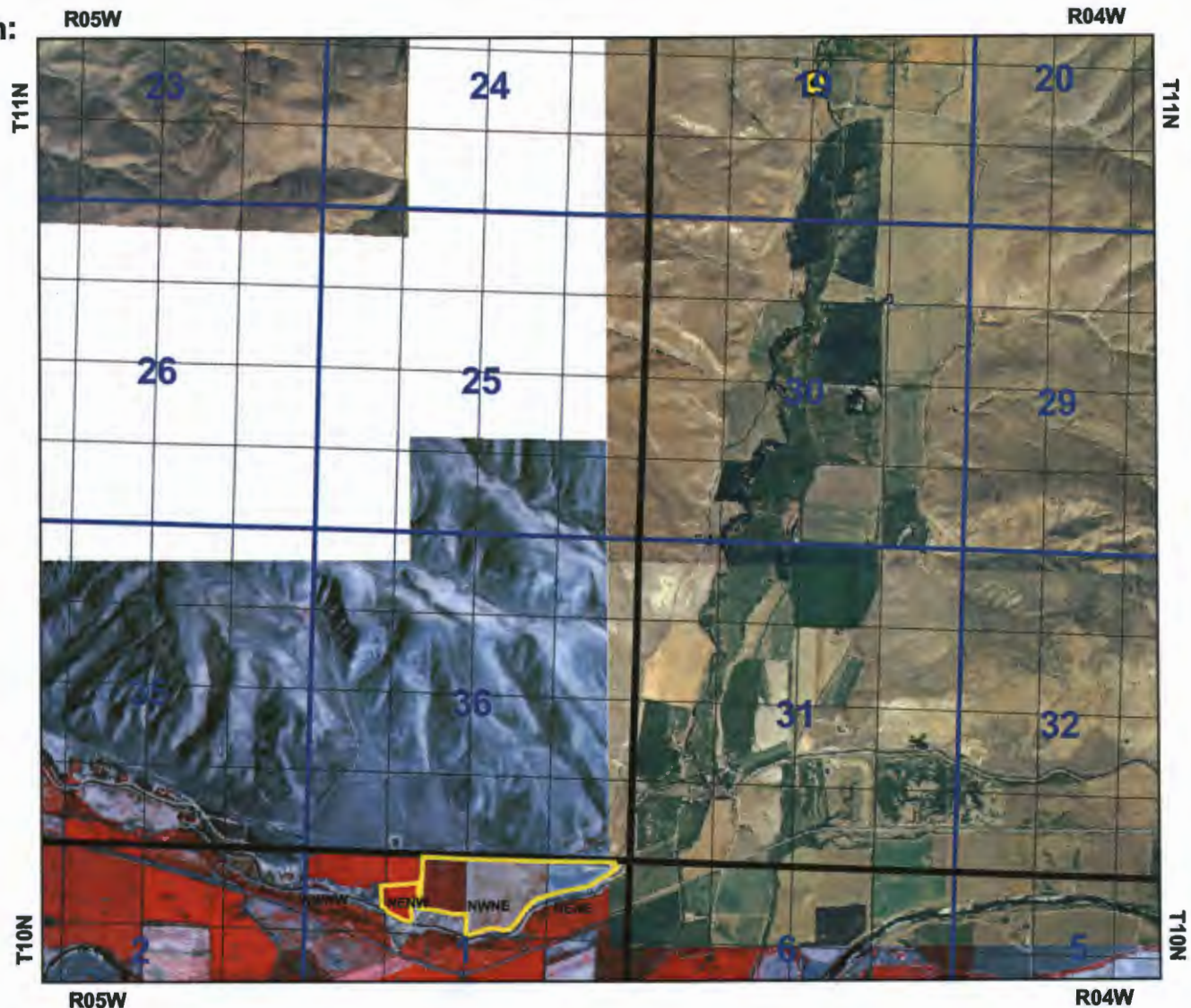
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 1 2 Miles

Prepared by D. Narsavage
On Friday, June 2, 2006
1987/88 Aerial Photography

67-635



Information Kerner
decreed rights

Decreed Places of Use



4
Ohms
Ditch.

Priority Date Data Entry Form

Claim Number 67-635

Claimed Priority Date: 4/1/1916

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 4/1/1916

Water Right Basis: Decreed

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Decreed

Reviewer: MVBDate: 3-20-06

Point of Diversion and Source Data Entry Form

Claim Number 67-635

Claimed Point of Diversion and Source

T11N R04W S31 NSW Within WASHINGTON County Source: WEISER RIVER SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

Decree was for Mann Creek - this POD could be
for Mann Creek or Galloway Canal. Source listed
as Weiser River.

Mann Creek or Weiser? Crane Creek?

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 67-635

Claimed Place Of Use

T10N R04W S06 Lot 4 NWNW	28.00	T10N R04W S06 Lot 5 SWNW	10.00
T10N R05W S01 NENE	20.00	T10N R05W S01 SENE	40.00
T11N R04W S31 Lot 4 SWSW	22.00		

Total Acres 120

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T10N R05W S01 NWNW	15.00
--------------------	-------

Total Acres 15

Recommended Place of Use

☐ See corrections to claimed POU above

Twsp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

decreed for 15 acres. (See Dan's map)

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 67-635

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

--	--	--	--	--

--	--	--	--	--

--	--	--	--	--

Document how the Purpose of Use was verified:

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 67-635

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.21	

Overall Diversion Rate 0.21

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.21	

Overall Diversion Rate 0.21

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

decree was for 15 inches = 0.3 cfs.

Reviewer: _____

Date: _____

Contacts Data Entry Form**Claim Number: 67-635**

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MILTON KERNER	1733 WEISER RIVER RD	WEISER	ID	83672	(208)549-2795
Current Owner	LOLA DEANE KERNER	1733 WEISER RIVER RD	WEISER	ID	83672	(208)549-2795

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Lola Deane Kerner
1733 Weiser River Road
Weiser, ID 83672

Re: SRBA claims 67-614, 67-620, & 67-635

April 17, 2006

Dear Mrs. Kerner:

My name is Dan Narsavage, and I am in the process of reviewing claims to water rights in the Snake River Basin Adjudication (SRBA) along Mann Creek near Weiser, Idaho.

After meeting with you on March 20, 2006, Monica Van Bussum related to me the state of your water use as you described to her. It does not appear to me that your claims to water rights from Mann Creek through Ohms Ditch accurately reflect this water use, nor do your claims conform to the decreed water rights appurtenant to your land. Currently, I cannot recommend your water rights as claimed from Mann Creek. Below is a short synopsis of what I require from you to recommend your water rights from Mann Creek as you discussed with Monica:

Please review the three "Notice of Claim" reports included with this letter. These are claims which you filed in 1989 that I have amended to more accurately reflect your current water use and the Jefferson vs Higgenbotham decree. Initial each of the highlighted changes I have made, sign the last page of each claim, and return them to my attention at the address above.

I understand that my request may be unclear to you, but rest assured that it is fairly routine and that I can easily talk you through what needs to be done. For more information or assistance, please contact me using the telephone number or email address provided below before **May 1, 2006**.

Sincerely,

Daniel L. Narsavage
GIS Specialist
Telephone: 208-287-4885
E-mail: Dan.Narsavage@idwr.idaho.gov

Enclosures:

- Map
- Notice of Claim to a Water Right... 67-614
- Notice of Claim to a Water Right... 67-620
- Notice of Claim to a Water Right... 67-635

Cc: Bruce Kerner
1819 Weiser River Road
Weiser, ID 83672



Map of the ground covered by Mann Creek Water through Ohms Ditch as per MVB field exam report (March 20, 2006)

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 67-620
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1910

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.24	

7. Total Quantity Appropriated is:

0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW NW	4	IRRIGATION	28
			SW NW	5	IRRIGATION	10
Section Acres						38
10N	05W	1	NE NE		IRRIGATION	11
			NW NE		IRRIGATION	30
			NE NW		IRRIGATION	21
Section Acres						62
11N	04W	31	SW SW	4	IRRIGATION	22
Section Acres						22
Total Acres						62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

15. Basis of Claim: Decreed

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

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

Ident. Number 67-635
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1916

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.3	

7. Total Quantity Appropriated is:

0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW	NW	4	IRRIGATION 28
			SW	NW	5	IRRIGATION 10
					Section Acres	38
10N	05W	1	NE	NE		IRRIGATION 11
			NW	NE		IRRIGATION 30
			NE	NW		IRRIGATION 21
					Section Acres	62
11N	04W	31	SW	SW	4	IRRIGATION 22
					Section Acres	22
					Total Acres	62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

15. Basis of Claim: Decreed

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

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

Ident. Number 67-614
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1902

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.7	

7. Total Quantity Appropriated is:

0.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW	NW	4	IRRIGATION 28
			SW	NW	5	IRRIGATION 10
					Section Acres	38
10N	05W	1	NE	NE		IRRIGATION 11
			NW	NE		IRRIGATION 30
			NE	NW		IRRIGATION 21
					Section Acres	62
11N	04W	31	SW	SW	4	IRRIGATION 22
					Section Acres	22
					Total Acres	62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

THIS CLAIM HAS BEEN AMENDED TO CLAIM 67-608, AND NOT 67-614.

15. Basis of Claim: Decreed

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
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____