

AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-1080

RIGHT NUMBER: 37-12069

NAME & ADDRESS: LARRY WHARTON
LEROY KIES
PO BOX 356
CAREY ID 83320

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 08/10/1910

POINT OF DIVERSION: T01S R21E S27 NESENW Within BLAINE County

PURPOSE AND

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 BLAINE County
T01S R21E S27 SENW

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. C0000013008A A
3 HORSES

Claim processed by: GW

Date: 1103

D 7-29-98

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: A37-12069
Date Received: 10/26/1988
Receipt No: M001755
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEROY KIES 208-823-4343
Address: P.O. BOX 356
CAREY, ID 83320

OR
Name: LARRY WHARTON 208-823-4343
Address: P.O. BOX 356
CAREY, ID 83320

2. Date of Priority: AUG 10, 1910

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	21E	27	NE	SE	NW		BLAINE

5. Description of diverting works:
WELL, 120' DEEP, 3/4 HP PUMP, 6" CASING

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:
ONE DOMESTIC HOUSEHOLD, 3 HORSES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	21E	27	SE NW		DOMEST	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

MR. WHARTON IS CURRENTLY RENTING THIS PROPERTY FROM MR. KIES WHO LIVES IN INDIANA. MR. KIES ASKED MR. WHARTON TO FILE THIS CLAIM FOR HIM.

15. Basis of Claim: BENEFICIAL USE

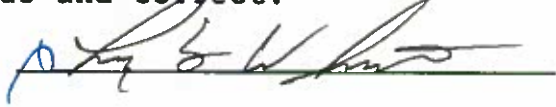
16. Signature(s)

(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: 10/26/88
Date: _____

State of Idaho)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of Oct 19 88


Notary Public

Seal

Residing at Boise, Id
My Commission Expires 9-2-1994

Idaho Department of Water Resources
Adjudication Bureau
Statehouse
Boise, ID 83720

Presorted

U.S. Postage
Permit No.1
Boise, ID 83720
First Class

LERDY KIES
P.O. BOX 356

CAREY ID 83320

RECEIVED
OCT 06 1989

Department of Water Resources



IMPORTANT WATER RIGHTS INFORMATION

SPECIAL NOTICE TO CLAIMANTS OF SMALL DOMESTIC AND STOCKWATER RIGHTS IN THE SNAKE RIVER BASIN ADJUDICATION FOR MORE INFORMATION CALL (208) 334-2510

In the past, you filed a notice of claim to a water right for domestic and/or stockwater (D&S) use in the Snake River Basin Adjudication (SRBA). In response to concerns expressed by many members of the public as to the requirement to file a notice of claim for small D&S water rights in the SRBA, IDWR sought approval of a special procedure for the adjudication of such water rights. After lengthy negotiations with the U. S. Department of Justice, a special procedure was devised that will relieve small D&S users of the requirement to file a Notice of Claim for such water rights at this time. The District Court in the SRBA has approved this special procedure.

Since notices of claims may be filed, but are no longer required to be filed for small D&S water rights in the SRBA, persons who filed a claim for small D & S uses prior to the adoption of this special procedure may withdraw their notice of claim and obtain a refund of the filing fee. If you choose to withdraw your claim you will need the following information:

CLAIM NUMBER: A37-12069

CLAIM FEE: \$25.00

RECEIPT NUMBER: M001755

WITHDRAWAL REQUEST MUST BE MAILED BEFORE 11/10/1989

637

Please carefully read the following information to determine if your water right qualifies for the special procedure and if you wish to withdraw your notice of claim. If you do wish to withdraw your notice of claim, please complete the form on the last page of this notice and return it to the address shown on the back page by the date shown above.

MICROFILMED
FEB 26 1993

If you do NOT withdraw your notice of claim, it will remain on file with IDWR for investigation, inclusion in the Director's Report, and inclusion in the decree of water rights, in accordance with the adjudication procedures set forth by statute. It is IDWR's recommendation that the best (and cheapest) way to assure the security of your small D&S water right is to NOT withdraw the claim and allow the right to be adjudicated. If you do NOT wish to withdraw your notice of claim to a small D&S water right, you need do nothing in response to this notice and you will be notified when your right is recommended to the court.

THE SPECIAL PROCEDURE FOR SMALL DOMESTIC AND STOCKWATER RIGHTS

A notice of claim may, but is not required to be, filed for small D&S water rights in the SRBA at this time. The fee for filing a notice of claim to a small D&S water right at this time is \$25.00. If a notice of claim is filed at this time the claim will be reviewed as part of IDWR's investigation of water rights, included in the Director's Report which contains recommendations as to water rights to be decreed, and included in the district court's decree of water rights, in accordance with the adjudication procedures set forth by statute in Title 42, Chapter 14, of the Idaho Code.

A small D&S water right will not be forfeited and the priority date will not be lost if a notice of claim for the water right is not filed in the SRBA at this time. The owner of a small D&S water right may file a motion with the court to have the water right adjudicated when the need arises at a later date. ("Adjudicated" means determined by the district court and included in the district court's decree of water rights.) The procedure for adjudicating a small D&S water right at a later date is described in an order by the district court and is similar to the supplemental adjudication procedure set forth at Idaho Code 42-1405. If a motion to have a small D&S water right adjudicated is filed at a later date, the claimant will be required to bear the cost of filing the motion and serving notice of the motion and to pay IDWR's cost of investigating and preparing a report of the water right claimed. These costs are likely to be more than \$25.00.

Small D&S water rights will not be subject to distribution by a watermaster in a water district unless all of the small D&S water rights have been adjudicated, or unless the director of IDWR determines that distribution of small D&S water rights by the watermaster is necessary. ("Not subject to distribution by a watermaster" means that the watermaster will not shut off small D&S water rights to provide water for senior water rights, and will not shut off other water rights to provide water for a senior small D&S water right.)

If the director determines that distribution of small D&S water rights in a water district is necessary, then the owner of a small D&S water right that has not been adjudicated will be required to have the water right adjudicated in order to have it distributed by the watermaster. Also, the owner of a small D&S water right that has not been adjudicated will be required to agree to have it adjudicated before the owner can seek approval of a change of the water right (such as a change in point of diversion, change in place of use, change in nature of use, etc.)

There are two limitations that will apply when the owner of a small D&S water right files a motion with the district court in the SRBA to have the water right adjudicated at a later date. First, the water right owner will only be allowed to claim a water right that is within the definition of small D&S use, as defined by the adjudication statute. (The definition of small D&S use is discussed below.) Second, the extent of a small D&S water right is limited by actual beneficial use. There

WATER RIGHT NUMBER - A37-12069

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
KIES

LERDY

1 - P.O. BOX 356

2 -

3 -

CITY- CAREY

STATE- ID ZIP- 93320

PHONE - 208-823-4343

1 - P.O. BOX 356

2 -

3 -

CITY- CAREY

STATE- ID ZIP- 83320

PHONE - 208-823-4343

WHARTON

LARRY

+ - - PRIORITY DATE - - +
08/10/1910

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

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

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

01S 21E 27 NE SE NW (13) BLAINE

+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

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

01S

21E

27

SE NW

43

DOMESTIC

(13) BLAINE

+ - - DIVERSION MEANS - WELL, 120' DEEP, 3/4 HP PUMP, 6" CASING

+ - - NON-IRRIGATION USE - ONE DOMESTIC HOUSEHOLD, 3 HORSES

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +

MR. WHARTON IS CURRENTLY RENTING THIS PROPERTY FROM MR. KIES WHO
LIVES IN INDIANA. MR. KIES ASKED MR. WHARTON TO FILE THIS CLAIM
FOR HIM.

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

20507 N Main (US 26/93)

MICROFILMED

OCT 26 1994

WATER RIGHT NUMBER - A37-12069

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

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

+ - - AUDIT FIELDS - 10/26/88 GIBSON 10/03/89 REFUNDML

+ - - - - 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	- 10/26/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- M001755	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- N	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- OR	NOTICE OF ERROR FLAG	-

0000013008A A

DATA ENTRY

ENTERED 1-7-94 MB

CHECKED 6-4-94

"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
FEB 29 1992

CERTIFIED
MAR 1 1992
WATER EXAMINER