

AJ5856NP

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

DATE: SEP-19-1997

PAGE: A-148

RIGHT NUMBER: 37-12217

NAME & ADDRESS: RUSSELL TED WERRY
ESTATE OF
PO BOX 7829
BOISE ID 83707

*James C + Karin K Slanetz
Box 4563
Ketchum ID 83340*

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/31/1968

POINT OF DIVERSION: T04N R17E S13

*NESE
NWSE*

Within BLAINE County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC D/I HOUSE

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC
T04N R17E S13

*Within BLAINE County
NWSE NESE*

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

(RE #12, CLAIM COMPLETED BY KERRY ARMSTRONG, CONSERVATOR FOR
BEVERLY WERRY CONSERVATORSHIP.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

(K00000370010) exp

*Lot 1 Blk 37 Ketchum
186 E 4th St*

comments

Verified by *Duf*

Date: *11-18-98*

Verification Source: *By Parcel Pts 91 + 98*

dmap

2/3/99

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: A37-12217
Date Received: 10/18/1988
Receipt No: C002999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL TED WERRY
Address: ESTATE OF
P.O. BOX 7829
BOISE, ID 83707 208-383-7174

2. Date of Priority: MAY 31, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	13	NW	SE			BLAINE

5. Description of diverting works:
WELL, 50' DEEP, 6" CASING, 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
04N	17E	13	NW	SE		DOMEST	

11. Place of use in counties: BLAINE

A37-12217

Page 1

Date: 12/07/88

MICROFILMED

FEB 26 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:
RE #12, CLAIM COMPLETED BY KERRY ARMSTRONG, CONSERVATOR FOR
BEVERLY WERRY CONSERVATORSHIP.

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

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OF RIGHTS TO THE USE OF WATER FROM
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RECEIVED

OCT 18 1988

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

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Estate of Russell Ted Werry Phone (208) 383-7174Mailing Address P.O. Box 7829, Boise, Idaho Zip 837072. Date of Priority (Only one (1) per claim) May 19683. Source of water supply (a) Well, Domestic
which is tributary to (b) N/A4. Location of point of diversion is: Township 4 North Range 17 East
Section 13, NW 1/4 of SE 1/4 of 1/4, Govt. Lot , B.M.,
County of Blaine CountyAdditional points of diversion if any: none5. 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. Depth 50 feet. 6 inch casing -
no holding tank - pump.

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

(Both dates are inclusive) (cfs)
For Domestic purposes from 1/1/00 to 12/31/00 amount .04CFSFor purposes from to amount
13,000 gal.7. Total quantity claimed .04CFS (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) 1 household

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10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
4N	17E	13														D		

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

12. Do you own the property listed above as place of use? Yes _____ No X
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.
_____ or None (X)

14. Remarks: Personal Representative of Russell Ted Werry Estate
Conservator for the Beverly Werry Conservatorship

15. Basis of Claim (check one) Beneficial Use xx Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Personal Representative of the Russell Ted Werry Estate.
Conservator for the Beverly Werry Conservatorship

Signature of Claimant (s) Berry Armstrong Date 10-14-88

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

Statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

_____ and Organization _____

Date _____

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FEB 26 1993

) SS.
)

Subscribed and sworn (or affirmed) before me this 14th day of October 19 88

SEAL

Notary Public Susan M. Plummer

Residing at Boise, Idaho

My Commission Expires _____

Last Name _____ Ident No. _____ Copies White-State, Yellow-Claimant

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

Presorted

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

RUSSELL TED WERRY
ESTATE OF
P.O. BOX 7829

BOISE ID 83707

RECEIVED

NOV 27 1989

NSW
07

Department of Water Resources

IMPORTANT WATER RIGHTS INFORMATION

SPECIAL NOTICE TO DOMESTIC AND IN THE SNAKE RIVER

WERR829 837072009 1N 11/24/89
RETURN TO SENDER
NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

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: A37-12217

CLAIM FEE:

\$25.00

RECEIPT NUMBER: C002999

WITHDRAWAL REQUEST MUST BE MAILED BEFORE 12/15/1989

1035

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 1990

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