

03/30/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-11774
NAME AND ADDRESS: JERRY C SORENSON
282 N 3500 E
RIGBY ID 83442

WILLIAM C BERRY
282 N 3500 E
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T04N R38E S8 SWNWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL		
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

DOMESTIC Within JEFFERSON County

T04N R38E S08 NENW

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

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 21, 2005

RE: Water Rights in Reporting Area 14, Basin 25
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right claim(s) in Basin 25 for part of the Upper Snake River drainage basin. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have until June 22, 2005, in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Blackfoot, Idaho Falls, Rigby, and Soda Springs, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed early next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

SCANNED

MAR 02 2005

FILED

25-11774

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

RIGHT NUMBER: 25-11774

NAME AND ADDRESS: JERRY C SORENSON
282 N 3500 E
RIGBY ID 83442

WILLIAM C BERRY
282 N 3500 E
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION: T04N R38E S8 SWNNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL		
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

DOMESTIC Within JEFFERSON County
T04N R38E S08 NENW

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

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED
MAR 02 2005

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

21 35 15

NOT DELIVERABLE
AS ADDRESSED
RETURN TO SENDER

JERRY C. SONENSON
WILLIAM G. BERRY
282 N 3500 E
RIGBY ID 83442

LMF

NOT DELIVERABLE
AS ADDRESSED
RETURN TO SENDER

SCANNED

MAR 02 2005

PROFILED

25-11774

EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

U.S. POSTAGE
1620
09578 00.60 AUG 27
5111 MAILED FROM ZIP CODE

25-11774

Resent NOE to:

John Do
282 N 3500E
Rigby 83442

WILLIAM BERRY
282 N 3500E
RIGBY ID 83442

WTF

wrong phone #

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

PROFILED

SCANNED
SEP 13 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRENT LUTHY
KIRK DAVID
419 N 4200 E
RIGBY ID 83442

"Cozy Cabins"

RE: CHANGE IN OWNERSHIP FOR 25-11774

Dear Mr. Luthy & Mr. David:

It has come to our attention that you may have recently purchased a tract of land in Jefferson County. The property to which I am referring was most recently owned by Jerry Sorenson and William Berry. The legal description is as follows:

T04N, R38E, S08, NENW

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 5257161.

Respectfully submitted,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

SCANNED

AUG 17 2004

A25-11774 Review/Contact log

1/19/04 Review

1) No evidence of presence

2) Possible Δ ownership

3) Possibly now hooked to City of Louisville system?

4) If no EOP available, determine recommendation

Rigby Phone book: No listing, No Kirk David

1/19/04 Field visit - Building locked. Pickup by building

has phone # 754-8400 on door. GPS @

front door waypoint 7 659928E 290192N

2/18/04 4pm 754-8400 May on machine

2/18/2004

General Comments

I have not yet made contact with the owners, but from other exams in Lewisville and visiting with the Mayor, there is no public water system in Lewisville. It is likely that this claim is legitimate. The building still exists and looks to be in use. There is no evidence of priority so I propose a non-residential de minimus domestic with the N11 remark and the 2,500 gallon/day limitation.

Ownership

The owners appear to be Brent Luthy and Kirk David, see correspondence in the file. There has been no response to the letters but the letters have not come back. There was a pickup parked in front of the building with the phone number 745-8400 on the door. I called the number and left a message, the message stated it was a cultured marble business. This matches what seemed to be the use of the building.

POD

The well is probably inside the basement of the building. The GPS reading is waypoint 9, 659,928 E 290,192 N. This was taken at the front door of the building.

POU

The sketch in the claim file matches the location I visited.

Overlap

None noted

Conflict

None noted

Priority

No evidence in the file. I propose recommending as claimed with N11 remark.

Quantity

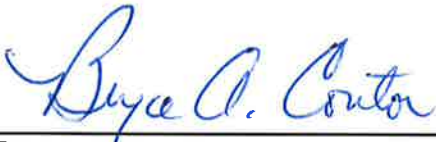
I propose 0.04 cfs, 2,500 gallon/day limitation, 2.8 acre feet/year

Water Use

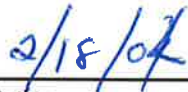
Deminimus non-residential domestic.

List of Photos

A25-11774_1.jpg Looking SW at the building from the intersection of Main Street and the north-south street the building is located on. I didn't see a street number on the building.



Bryce A. Contor



Date

August 18, 2003

William C. Berry
282 N 3500 E
Rigby, ID 83442

Re: Water Right Adjudication Claim(s) A25-11774

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

This is associated with the "Cozy Cabins" property in Lewisville. If there is a new owner, please let me know how to contact him or her.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

August 18, 2003

Brent Luthy and/or Kirk David
419 N 4200 E
Rigby, ID 83442

Re: Water Right Adjudication Claim(s) A25-11774

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

This regards the "Cozy Cabins" property in Lewisville, which I understand you may have acquired. In addition to locating and photographing the well, I would like to collect "evidence of priority" to allow IDWR to make a correct recommendation.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

SCANNED

AUG 8 2011

May 1, 1991

William C. Berry
282 N. 3500 E.
Rigby, ID 83442

RE: **Evidence of Priority**

Dear Mr. Berry:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

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NOV 11 1992

William C. Berry

Page 2

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-11774
WILLIAM C BERRY
282 N 3500 E

RIGBY

ID 83442

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NOV 11 1992

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME William C. Berry / Jerry C. Sorenson CLAIM IDENT. NO. A25-11774
DATE RECEIVED 11-30 CK # AMOUNT \$ 100

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☐	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?	☐	☐
(b) Is a tributary to entered? (if required)	☐ N/A	☐
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☐	☐
8. If required is a consumptive use entered?	☐ N/A	☐
Is the consumptive use correct?	☐ N/A	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☐ N/A	☐
10. Is (are) the place(s) of use entered?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☐ N/A	☐
15. Is the basis of the claim checked?	☐	☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☐ Exempt	☐
If this claim is based on an existing water right, has the identification number been entered?	☐ N/A	☐
Should this claim be receipted and data entered?	☒	☐

Claim checked by: [Signature]

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Comments: _____ NOV 11 1992

AUG 01 2001

x

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: A25-11774
Date Received: 11/30/1988
Receipt No: E004777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM C BERRY 208-754-4184
Address: 282 N 3500 E
RIGBY, ID 83442

OR

Name: JERRY C SORENSEN
Address: RIGBY, ID 83442

2. Date of Priority: MAY 01, 1892

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	38E	8	SW	NW	NW		JEFFERSON

5. Description of diverting works:
WELL/SURFACE PUMP TO GROCERY STORE/RESTROOMS/PRODUCE DEPT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	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:
COMMERCIAL/USED FOR GROCERY STORE

A2511774



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NOV 11 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	38E	8	NE NW		COMMER	

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks: AKA LOT 1 BLK 22 TOWNSITE OF LEWISVILLE/SK

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

Ident. Number

A25-11774

Date Received

11-30-88

Receipt Number

E004777

E91

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WILLIAM C. BERRY OR JERRY C. SOROUSE Phone (208) 754-4184

Mailing Address

282 N. 3500 E., RIGBY, ID

Zip

834422. Date of Priority (Only one (1) per claim) MAY 1, 18923. Source of water supply (a) GROUND WATER

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 38E Section 8,SW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of JEFFERSONAdditional points of diversion if any: A.K.A. B Lot 1, Block 22 TOWNSHIP OF LEWISVILLE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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 W/ SURFACE PUMP TOGROCERY STORE - "LEWISVILLE CORNER STORE". (TOWNSHIP MERC.).WATER USED IN RESTROOMS, & PRODUCE DEPT.

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NOV 11 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For COMMERCIAL purposes from 4/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) COMMERCIAL - USED @ GROCERY STORE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	38E	8					C												

Total number of acres irrigated _____

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

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 or None (X)

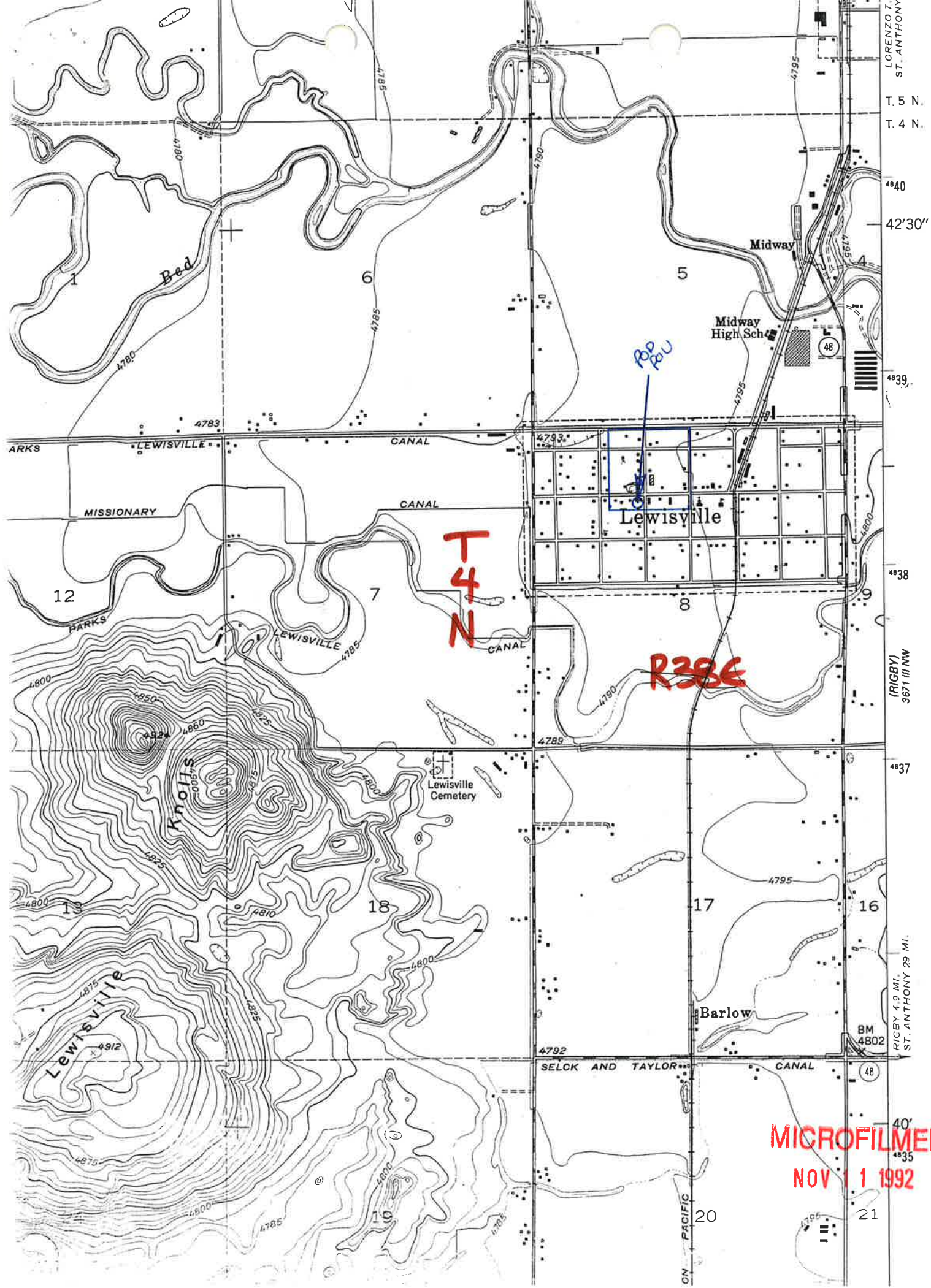
14. Remarks: NO CITY WATER

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NOV 11 1992

Last Name BERRY/SORENSEN Ident No. _____

Copies: White -State, Yellow-Claimant



T
4
N

R386

POD
POD

MICROFILMED
NOV 11 1992

15. Basis of Claim (check one) Beneficial Use ☒ 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.

Signature of Claimant (s) George J. Jorgensen Date 11-30-88

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

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30 day of November 19 88

SEAL

Notary Public E. J. Jorgensen

Residing at Dakota Falls, ID

My Commission Expires 22 Aug 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 11 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant