

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 25 PM 3 49

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-10390

NAME AND ADDRESS: PEGGY JO BERNT
WILLIAM BERNT
PO BOX 425
SALMON, ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T23N R22E S04 NESW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic T23N R22E S04 NESW Within Lemhi County

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.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RIGHT NUMBER: 75-10390

NAME AND ADDRESS: ALLEN B EVELAND
ISABEL EVELAND
PO BOX 234
CARMEN ID 83462

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T23N R22E S04 NESW Within LEMHI 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 LEMHI County
T23N R22E S04 NESW

OTHER MATTERS 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
UP TO 7 CATTLE/HORSES
RP 23N22E040608 A

✓ RBH-OK
10/7/98

AJ5856NP

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

DATE: SEP-23-1997
PAGE: A-268

RIGHT NUMBER: 75-10390

NAME & ADDRESS: ALLEN B EVELAND
ISABEL EVELAND
PO BOX 234
CARMEN ID 83462

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T23N R22E S04 NESW Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T23N R22E S04 NESW

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
UP TO 7 CATTLE/HORSES
RP 23N22E040608 A

Claim data entry by: UW
Date: 1009
Data entry verified by: 514
Date: OCT 15 1997

JUL-08-1997
0151

1

RIGHT NUMBER: 75-10390

NAME AND ADDRESS: ALLEN B EVELAND
ISABEL EVELAND
PO BOX 234
CARMEN ID 83462

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T23N R22E S04 NESW Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T23N R22E S04 NESW

OTHER MATTERS 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
UP TO 7 CATTLE/HORSES
RP 23N22E040608 A



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

FEB 24 1999

Department of Water Resources
Eastern Region

DATE OF CLOSING: 2/16/99

LEGAL DESCRIPTION OF PROPERTY: Township 23 NORTH Range 22 E., B.M.
Section 4, NE 1/4 of SW 1/4 of 1/4 Govt. Lot , B.M.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) A75-10027 & A75-10390
Assigned by IDWR:

☒ Name and Address of Former Owner/Claimant(s)(Seller): ALLAN B. EVELAND AND ISABEL EVELAND
P.O. BOX 234, SALMON, IDAHO 83467

☒ New Owner/Claimant (Purchaser): WILLIAM C. AND PEGGY JO BERNT

☒ New Mailing Address: P.O. BOX 425, SALMON, IDAHO 83467

☒ New Telephone Number: (208) 756 - 4167

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe RECORDED WARRANTY DEED
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) William C. Bernt Date 2/16/99

☒ Signature of Former Owner/Claimant(s) Isabel Eveland Date 2/16/99

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____) **NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**
SUB CASE NO. 75-10390

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

ALLEN & ISABEL EVELAND
PO BOX 234
SALMON ID 83467

Phone:

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

WILLIAM & PEGGY JO BERNT
PO BOX 425
SALMON ID 83467

Phone: (208) 756-4167

The Claimant has filed Objections or Responses to the following water rights:

NO OBJECTIONS

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 4, 1999

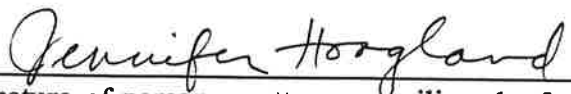
Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/5, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
ALLEN & ISABEL EVELAND
PO BOX 234
SALMON ID 83467
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
WILLIAM & PEGGY JO BERNT
PO BOX 425
SALMON ID 83467
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

AJ5856NP

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

DATE: MAR-4-1999
PAGE: A-4

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 75-10390

NAME & ADDRESS: WILLIAM C BERNT
PEGGY JO BERNT
PO BOX 425
SALMON ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T23N R22E S04 NESW Within LEMHI 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 LEMHI County
T23N R22E S04 NESW

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
STOCKWATER, 7 CATTLE/HORSES
PARCEL NO. RP 23N22E040608 A



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM C & PEGGY JO BERNT
PO BOX 425
SALMON ID 83467

RE: Notice of Change of Water Right Ownership (NCO) for 75-10390
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Bernt:

On February 24, 1999, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

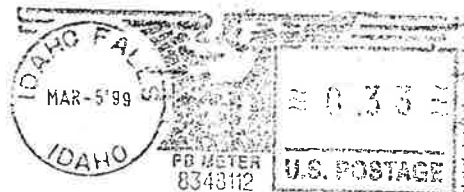
Enclosure

cc: Allen & Isabel Eveland

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

ALLEN & ISABEL EVELAND
PO BOX 234
SALMON ID 83467



UFFICIENT ADDRESS

NCAP
75-10390

RECEIVED
MAR 10 1999
Department of Water Resources
Eastern Region

Copy

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: A75-10390
Date Received: 5/01/1990
Receipt No: M006821
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN B. EVELAND
Address: P.O. BOX 234
CARMEN, ID 83462 208-756-2502
AND/OR
Name: ISABEL EVELAND
Address: P.O. BOX 234
CARMEN, ID 83462 208-756-2502
2. Date of Priority: APR 01, 1901
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
23N 22E 4 NE SW LEMHI
5. Description of diverting works:
WELL, 2" CASING, 30' DEEP, 2 HP ABOVE GRD. PUMP, PIPE TO HOUSE
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:
DOMESTIC, 1 HOME AND UP TO 7 CATTLE/HORSES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	4	NE SW		DOMEST	

11. Place of use in counties: LEMHI

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 _____

SCANNED

SEP 26 2001

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: A75-10390
Date Received: 5/01/1990
Receipt No: M006821
Received By: KAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN B. EVELAND
Address: P.O. BOX 234
CARMEN, ID 83462 208-756-2502

AND/OR

Name: ISABEL EVELAND
Address: P.O. BOX 234
CARMEN, ID 83462 208-756-2502

2. Date of Priority: APR 01, 1901

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	4	NE	SW			LEMHI

5. Description of diverting works:
WELL, 2" CASING, 30' DEEP, 2 HP ABOVE GRD. PUMP, PIPE TO HOUSE

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:
DOMESTIC, 1 HOME AND UP TO 7 CATTLE/HORSES

A75-10390

Page 1

Date: 05/01/90

A7510390



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	4	NE SW		DOMEST	

11. Place of use in counties: LEMHI

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): X Isabel Evdard Date: 5-1-90

Date: _____

State of Idaho)
County of Yamhi) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of May 19 90

Seal

John Harrington
Notary Public

Residing at Hoien Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

AJ5500NP
(UD-26)

WATER DEPARTMENT OF WATER RESOURCES
ADJUDICATION CENTER'S PUBLIC HEARING REPORT

07/04/92 20:45:35

PAGE 1

WATER RIGHT NUMBER - 175-10890

PROPER TRANSLATION: ADJUDICATION SLASH

SLC (C) NUMBER -

* - - - - - LAST NAME - - - - -

* - FIRST NAME - - -

* - - - - - ADDRESS - - - - -

* - - - - - CURRENT OWNER *
CLEVELAND

ALLIED

1 - P.O. BOX 234

2 -

3 -

CITY- CARMAN

STATE- ID ZIP- 83401

PHONE - 208-755-2502

1 - P.O. BOX 234

2 -

3 -

CITY- CARMAN

STATE- ID ZIP- 83401

PHONE - 208-755-2502

* - - - - - PRIORITY DATE - - -
04/01/1901

* - - - - - REGION - - -
IS EASTERN

* - - - - - STAGE - - -
4 - DOMESTIC USE

* - - - - - STATUS - - -

* - - - - - SOURCE - - -
GROUNDWATER

* - - - - - TRIBUTARY - - -

* - - - - - POINT OF DIVERSION - - -
TWN RNS SEC TRACT LOT ACRES COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

25N 22E 4 NE 34 (TS) LEHR

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

45 - 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 RNS SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

25N

22E

4

NE 34

45 DOMESTIC

(59) LEHR

* - - - - - DIVERSION MEANS - WELL, 2" CASING, 20' DEEP, 1/2 HP ABOVE GROUND PUMP, PIPE TO HOUSE

* - - - - - NON-IRRIGATION USE - DOMESTIC, 1 HOME AND UP TO 7 CATTLE/HORSES

* - - - - - OTHER RIGHTS FOR SAME USE - NONE

* - - - - - EVIDENCE - - -
NO REMARK FOUND.

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

* - - - - - CONDITIONS OF APPROVAL - - -
NO CONDITIONS OF APPROVAL FOUND.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PENDING HEARING REPORT

07/04/92 20:45:39
PAGE 2

WATER RIGHT NUMBER - 475-10590

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - DECKEE PLAINTIFF - - - -

$+$ $-$ $-$ $-$ $-$ $-\text{RECKLESS DEFENDANT}$ $-$ $-$ $-$ $-$ $+$

+ - DEGREE DATE - +
00/00/0000

* - AUDIT FIELDS - 05/01/90 0054LE4

[illegible][illegible]

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	-	00/01/1990	LAST AMEND 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	-	000000	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLAG	-		OLD OWNERSHIP FLAG	-	Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-	AND/OR	NOTICE OF ERROR FLAG	-	

RP23N32E040608 A

DATA ENTRY
ENTERED _____
CHECKED _____ 04 4-10

"Verified By"
 Topo Map/Ordnance
 ASCS Map
 Wetmaster Records
 NAPP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 IIR Records

VERIFIED
SEP 15 1992

CERTIFIED
MAR 24 1993
WATER EXAMINER