

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: **A37-10555**

Date Received: 7/12/1988

Receipt No: S000870

Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ARTHUR KERNER
Address: 400 S 472 VALLEY VIEW DR
JEROME ID 83338
OR
Name: JANISE KERNER
Address: 400 S 472 VALLEY VIEW DR
JEROME ID 83338

2. Date of Priority: APR 13, 1931

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	18E	33	SW	NE	SW		LINCOLN

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.230		
COMMERCIAL	01/01	12/31	0.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 3 HOUSE S/ AND C/ 400 DAIRY

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	18E	33			STOCK	
			NE	SW	COMMER	
					DOMEST	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:

COMMERCIAL IS FOR DAIRY. TWO OF THE THREE HOUSES ARE FOR
HIRED HELP.

AMENDED CLAIM TO CHANGE DIVERSION RATE TO .23 CFS. 12/1/97 jr

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): Arthur Kerner Date: 12-1-97

Date: _____

State of Idaho)
County of Twin Falls, Id.) SS.

Subscribed and sworn (or affirmed) before me this 1st. day
of December 19 97

Seal

Janine Robertson
Notary Public

Residing at Twin Falls, Id.

My Commission Expires 9-23-2000

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: A37-10555
Date Received: 7/12/1988
Receipt No: S000870
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR KERNER 208-886-7758
Address: 630 N. 350 E.
SHOSHONE, ID 83352
OR
Name: JANISE KERNER 208-886-7758
Address: 630 N. 350 E.
SHOSHONE, ID 83352

2. Date of Priority: APR 13, 1931

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	18E	33	SW	NE	SW		LINCOLN

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.260		
COMMERCIAL	01/01	12/31	0.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 3 HOUSE S/ AND C/ 400 DAIRY

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	18E	33			STOCK	
			NE	SW	COMMER	
					DOMEST	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:
COMMERCIAL IS FOR DAIRY. TWO OF THE THREE HOUSES ARE FOR
HIRED HELP.

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): Arthur Kerner Date: 7/12/88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of July 19 88

Seal

Mary A. Baller
Notary Public

Residing at Gooding, Id
My Commission Expires 10/16/1992

05/02/2002

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

RIGHT NUMBER: 37-10555

NAME AND ADDRESS: JANISE KERNER
400 S 472 VALLEY VIEW DR
JEROME ID 83338

ARTHUR KERNER
400 S 472 VALLEY VIEW DR
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.23 CFS

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

PRIORITY DATE: 04/13/1931

POINT OF DIVERSION:

T04S R18E S33 SWNESW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.080 CFS
STOCKWATER	1/01 12/31	0.230 CFS

PLACE OF USE: DOMESTIC Within LINCOLN County

T04S R18E S33 NESW

STOCKWATER Within LINCOLN County

T04S R18E S33 NESW

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: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-10555

March 4, 2002

JANISE KERNER
400 S 472 VALLEY VIEW DR
JEROME, ID 83338

Re: Evidence of Priority Date for SRBA Claim

RESPONSE DEADLINE
MARCH 29, 2002

Dear Claimant:

The Notice of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your 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. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures

29 28

32 33

37-10555
POD & POU

T04S
R18E

5/2/02 POD point Added in GIS. D/S uses only Rec'd.
see

MEMORANDUM

TO: Adjudication claim file and WMD file

FROM: Daniel A. Nelson

DATE: 11-3-97

SUBJECT: Kerner well capacity

I performed the well inventory for the WMD on the Kerner well on 10-21-97. The well is a 3 hp well that distributes water to a couple of houses and a feedlot. I have enclosed a copy of the theoretical calculations that I have made on this well. I did not know the depth of the well, but the well operated at 35 psi. Well logs in the that section showed a static water level of 200 ft. If the water level of the Kerner well is 200 ft., then the theoretical diversion rate of this well would be .07 cfs. In order to guarantee that the well could not pump the minimum standard for the measurement district I performed a theoretical calculation at 0 ft, lift. at 0 ft. lift this well can only produce .23 cfs. Therefore, I have recommended to Mr. Kerner that he come in and amend his adjudication claim to .24 cfs or less to be removed from the WMD.

AJ claim # A 37-10555

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: ARTHUR KERNER
 DATE: 10-21-97
 BY: DAN NELSON

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
 H.P. = Total Brake Horsepower of pumping plant (including booster)
 EFF. = pumping plant efficiency (ASSUME 70% OR 0.70)
 TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
 LIFT = depth to water in FEET from land surface to pumping water level
 PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) (3.H.P.) (0.70)}{[(.200) + (.35 \times 2.31)]} = \frac{18.48}{80.85} = .07 \text{ CFS}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate (X)	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage (X)	
Booster (Y) (N)		

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	POTENTIAL = $(\dots) \times (1.98) \times (\dots)$
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL =

REQUIRED Acre Feet/Acre/Annum =
 (AF/Ann/Ac irrigation requirement from chart for area)
 NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

OUT RAGEOUS Maximum

$$(8.8) (3HP) (0.70) = 18.48$$

$$(0 \text{ FT LIFT}) + (35 \text{ PSI} \times 2.31) = 80.85$$

$$= .23 \text{ CFS}$$