

**STARTING
RIGHT
SIDE OF
FILE**

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 67-608
Date Received: 9/26/1989
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

BRUCE KERNER Phone: (208)549-2174

1819 WEISER RIVER RD
WEISER ID USA 83672

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1896

3. Source: MANN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.9	

7. Total Quantity Appropriated is:
0.9 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	05W	1	NE	NE	IRRIGATION	11
			NE	NW	IRRIGATION	21
			NW	NE	IRRIGATION	30
					Section Acres	62
					Total Acres	62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 67-608 .

This claim has been amended to claim 67-608, and not 67-614.

Claim amended 6/2/06 - DLN

This right is renumbered from former right 67-614 .

15. Basis of Claim: Decreed

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
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

Memo

To: File
From Dan Narsavage
Re: 67-608 claim
Date: 6/2/06

Dear File,

In January or February of 2006, I was working on SRBA claims on southernmost Mann Creek. Concurrently, Monica Van Bussum (MVB) was working on SRBA claims out of the Galloway Ditch, which crosses Mann Creek right where I was working. We had a little meeting in which I told MVB that the Kerners should claim 67-608.

Shortly thereafter MVB went to perform a field exam on the Kerners' property. While there, she gave them a claim form and informed them of 67-608. When she came back in to the office, she presented me with a map of the state of irrigation on the Kerners' property. With this map, I could see that I would have to disallow their claim to 67-614. I sent them three amended claims for their approval; among them was A67-614, which I'd amended to reflect 67-608 rather than 67-614 in order to save them \$50.

On June 2, 2006, IDWR received both the completed claim form (but no fees) and the initialed & signed amended claim to the same right. We don't need both, but to preserve the claim in the record, I've attached it to the appropriate SRBA claim.

Yours truly,
Dan

RECEIVED

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

MAY 31 2006

DEPARTMENT OF
WATER RESOURCESIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

61-608

05/31/06

C081343

39576

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) LOLA D. KERNER Phone (208) 549-2795Mailing Address 1730 WEISER RIVER ROAD, WEISER, ID Zip 836722. Date of Priority (Only one (1) per claim) 4/1/18963. Source of water supply (a) MANN CREEK
which is tributary to (b) WEISER RIVER4. a. Location of existing point of diversion is: Township 11N Range 05W Section 1,
NW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of WASHINGTON

Additional points of diversion if any: _____

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.WATER DELIVERED FROM OHMS DITCH

SCANNED

JUN 01 2006

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 03/15 to 11/15 amount 0.490 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .490 (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.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
11N	05W	1		X															35

Total number of acres irrigated 35

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

12. Do you own the property listed above as place of use? Yes ☒ 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. _____ or None (☒)

14. Remarks:

Last Name _____ Ident No. _____

SCANNED

JUN 01 2006

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

Decree ☒

If applicable provide IDWR Water Right Number 67-608

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant Jefferson v. Higgenbotham

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) Sola D. Kerner Date 5/30/06

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 _____

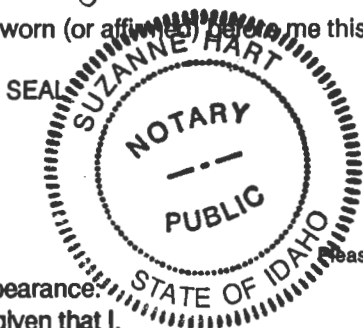
Title and Organization _____ Date _____

State of Idaho/or _____)

County of Washington) SS.

Subscribed and sworn (or affirmed) before me this

30 day of May 19 2006



Notary Public Suzanne Hart

Residing at Weiser, ID

My Commission Expires 8-1-06

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 _____

Last Name _____ Ident. Number _____

SCANNED

JUN 01 2006

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 67-614
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOLA DEANE KERNER Phone: (208) 549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

MILTON KERNER Phone: (208) 549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1902

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	BK

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.7	BK

7. Total Quantity Appropriated is:

0.7 C.F.S.

BK

SCANNED

JUN 01 2006

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW	NW	4	IRRIGATION 28
			SW	NW	5	IRRIGATION 10
						BK
Section Acres						38 BK
10N	05W	1	NE	NE		IRRIGATION 11
			NW	NE		IRRIGATION 30
			NE	NW		IRRIGATION 21
Section Acres						62
11N	04W	31	SW	SW	4	IRRIGATION 22
						BK
Section Acres						22 BK
Total Acres						62 BK

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

~~THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941~~ BK
~~AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO~~
~~EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE~~
~~ATTACHED COPY OF AGREEMENT~~

THIS CLAIM HAS BEEN AMENDED TO CLAIM 67-608, AND NOT 67-614. BK

15. Basis of Claim: Decreed

16. Signature(s)

SCANNED
JUN 01 2006

(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): Bruce Hener Date: 5/30/06

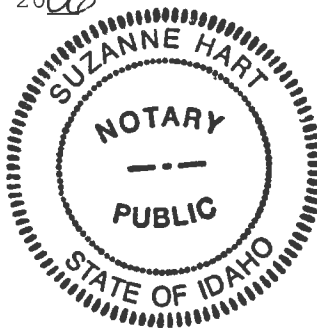
Date: 5-30-06

State of Idaho

County of Washington) SS.

Subscribed and sworn (or affirmed) before me this

of May 2006



Suzanne Hart
Notary Public

Residing at

Weiser, ID

My commission Expires

8-1-06

SCANNED

JUN 01 2006

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 67-614
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1902

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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11N	04W	19	NW SE	WASHINGTON	
-----	-----	----	-------	------------	--

L.K.

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A				
IRRIGATION	3/15	11/15	0.7	

L.K.

7. Total Quantity Appropriated is:

0.7 C.F.S.

L.K.

SCANNED

JUN 01 2006

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW NW	4	IRRIGATION	28
<i>L.K.</i>			SW NW	5	IRRIGATION	10
Section Acres						38
10N	05W	1	NE NE		IRRIGATION	11
			NW NE		IRRIGATION	30
			NE NW		IRRIGATION	21
Section Acres						62
11N	04W	31	SW SW	4	IRRIGATION	22
<i>L.K.</i>						
Section Acres						22
Total Acres						62

L.K.

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

THIS CLAIM HAS BEEN AMENDED TO CLAIM 67-608, AND NOT 67-614.

15. Basis of Claim: Decreed

L.K.

16. Signature(s)

SCANNED

JUN 01 2008

(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.

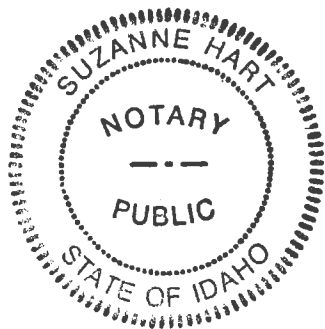
Signature of Claimant(s): Lola D. Kerner Date: _____

Date: 5-30-06

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 30
of May 2006

[Signature]
Notary Public



Residing at Wasser, ID
My commission Expires 8-1-06

SCANNED
JUN 01 2006

(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.

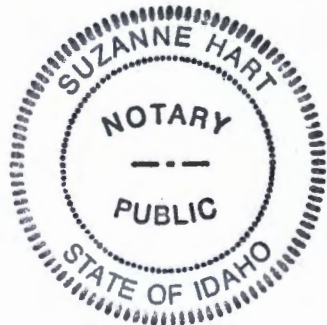
Signature of Claimant(s): Lola D. Kerner Date: _____

Date: 5-30-06

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 30
of May 2006

Suzanne Hart
Notary Public



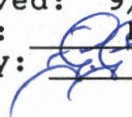
Residing at Upier, ID
My commission Expires 8-1-06

SCANNED
JUN 01 2006

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: A67-00614
Date Received: 9/26/1989
Receipt No: M004698
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILTON KERNER 208-549-2795
Address: 1733 WEISER RIVER ROAD
WEISER, ID 83672
OR
Name: LOLA DEANE KERNER 208-549-2795
Address: 1733 WEISER RIVER ROAD
WEISER, ID 83672
2. Date of Priority: APR 01, 1902
3. Source: WEISER RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	04W	31	NW	SW			WASHINGTON
5. Description of diverting works:
DIVERSION DAM, DITCH
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.900		
7. Total Quantity Appropriated is:
0.900 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A67-00614

Page 1

Date: 09/26/89

SCANNED
APR 06 2004

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OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	04W	6	NW	NW	4	IRR	28.0
			SW	NW	5	IRR	10.0
			Section Acres				38.0
	05W	1	NE	NE		IRR	20.0
			SE	NE		IRR	40.0
			Section Acres				60.0
11N	04W	31	SW	SW	4	IRR	22.0
			Section Acres				22.0
			Total Acres				120.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00635, A67-00620

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANE CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Milton Kerner Date: 9/26/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of Sept 19 89

Malvin Gene Gibson
Notary Public

Seal

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

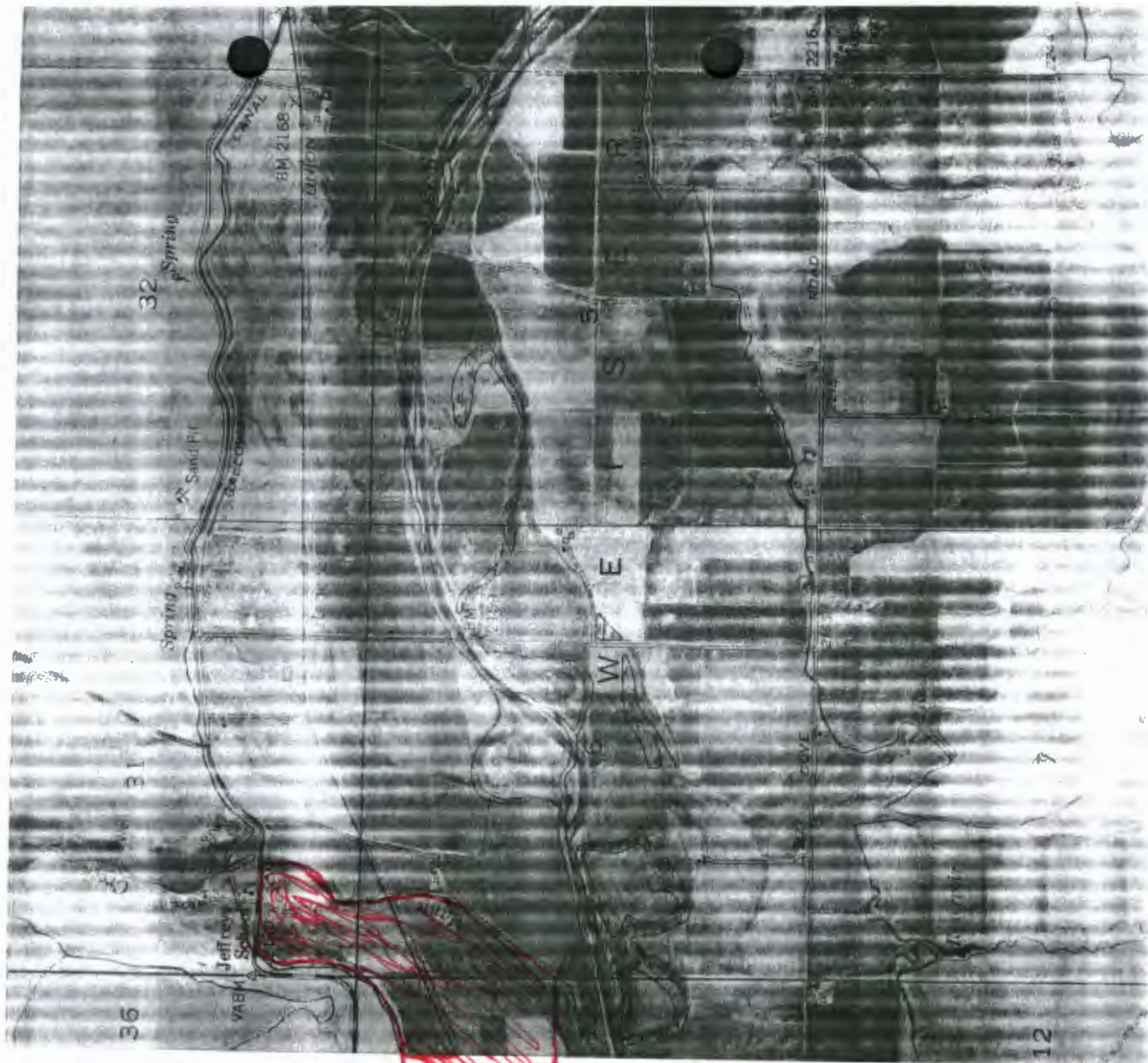
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MICROFILMED
OCT 01 1992

Weiser Irrigation District,
a quasi-municipal
corporation
By John J. McCrea
Attest: Oliver J. Smith,
Secretary (Corporate Seal)

And

A Arthur Breshears and
Eva C Breshears

Contract

Dated January 15th, 1941

Filed December 5th, 1947

Book 5 Miscellaneous page
135-136

A C K N O W L E D G E D

January 15th, 1941 by John J McCrea and Oliver J Smith, President and Secretary respectively of the Weiser Irrigation District and A Arthur Breshears and wife Eva C Breshears, before Ed R Coulter, Notary Public, Weiser, Idaho (Seal)

WHEREAS the parties of the second part are the owners of the fee title to, and in possession of the following described lands located in Washington County, Idaho, to-wit:

Lot 1 and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, Township 10 N of Range 5 West of the Boise Meridian, containing 80 acres, more or less;

Also a tract described as follows: Beginning at the corner of Township 10 and 11 North of Range 4 and 5 West of Boise Meridian; thence N on W line of Section 31 Township 11 N of Range 4 W B M, 1186 feet; thence E 1382.5 feet; thence S 56.5 feet; thence S 13° 08' W 559.1 feet; thence S 41° 38' W 307.8 feet; thence S 64° 31' W 187.2 feet; thence S 4° 31' E 600.5 feet to the center line of the right of way of the Pacific and Idaho Northern Railroad; thence S 5° 57' E 620.6 feet; thence S 30° 12' W 190 feet; thence S 37° 43' W 859.3 feet; thence S 35° 36' W 511.5 feet; thence S 75° W 90 ft, more or less, to a point on the W line of Sec 6 in Township 10 N of Range 4 W B M; thence N on said line 1500 feet to the

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FLB 113

MICROFILMED

OCT 01 1992

center line of the right of way of Pacific and Idaho Northern Railroad; thence N on said W line of said Township 10 North of Range 4 W B M, 740.5 feet to the place of beginning, containing 64.64 acres of land, excepting therefrom the said right of way of said railroad across the same. It being the intention to include all that part of Lot 4 and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31 in Twp 11 N Range 4 W B M lying West of the center line of Manns Creek, excepting a strip of land of uniform width of 140.5 feet along the N side of said Lot 4 and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, in Township 11 N of Range 4 W B M, containing 35.45 acres more or less; and also, all that part of Lots 4 and 5 of Section 6 in Township 10 N of Range 4 West B M, lying N and W of the line of Manns Creek, Except therefrom the right of way of the Pacific and Idaho Northern Railroad as the same crosses said Lot 4, containing 29.19 acres more or less, making in all said 64.00 acres of land.

and,

WHEREAS, in 1937 the party of the first part made application to the Commissioner of Reclamation of the State of Idaho for a permit to appropriate a large quantity of flood waters of the Weiser River and on which application Permit No. 18425 was issued from the office of the Commissioner of Reclamation of the State of Idaho to the party of the first part, and since said time formal proof of beneficial use of the water under said permit has been made and license therefor has been duly issued by the Commissioner of Reclamation of the State of Idaho unto the party of the first part; and,

WHEREAS, the parties of the second part are desirous of obtaining land and supplemental water from the Crane Creek reservoir for irrigation of said tract of land, and if same is obtained it will be necessary that said water, and in fact, all of the water to be used in irrigating the said lands, excepting the water used from Manns Creek, shall be transported from the Weiser River to said lands through the irrigation canal of the party of the first part;

NOW THEREFORE, in consideration of the premises and

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OCT 01 1992

67-02168

-2-

of the sum of \$600.00, cash in hand paid by the second parties to the first party, the receipt whereof is hereby acknowledged, the party of the first part does hereby contract and agree with the parties of the second part that it will cause Frank D Ryan, as Trustee, by proper deed of conveyance duly approved by the Court, to convey to the parties of the second part storage capacity in the Crane Creek reservoir sufficient to annually impound in said reservoir two hundred (200) acre feet of the primary storage rights in the Crane Creek reservoir.

And in consideration of said sum above set forth, the party of the first part does hereby sell and grant to the parties of the second part an interest in said water permit license No 18425 hereinbefore referred to, sufficient to give to the parties of the second part one hundred (100) miners inches of said water right and which water right is from the flood waters of the Weiser River, and does hereby also grant and convey to the parties of the second part the perpetual right to transport through the irrigation canal of the party of the first part annually, said one hundred (100) miners inches of flood water and said storage water which the party of the first part hereby agrees to have Frank D Ryan convey to the parties of the second part.

It is agreed that annually the parties of the second part shall pay to the party of the first part Twelve and no/100 Dollars (\$12.00) maintenance charges, same to be paid one-half on or before the first day of April each year, and the balance on or before the first day of October of each year.

It is further agreed that the delivery of water hereby conveyed shall be made by the ditch tender of the first party, who shall have the sole right to operate and manage all headgates leading from the canal of the party of the first part.

It is agreed that in the event in the future it shall become necessary that any improvements shall be made in the canal of the party of the first part at any place between the head gate of said canal and the lands of the parties of

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MICROFILMED

OCT 01 1992

-3-

the second part, the parties of the second part shall pay their pro rata part of expenses of such improvements.

101

FLIP 443
MICROFILMED
OCT 01 1992

Abstractor's Certificate

The Washington County Title Company, a corporation, hereby certifies that the foregoing abstract of title consisting of sheets numbered from One (1) to One Hundred Seven (107), both inclusive, comprise a true abstract of all conveyances, deeds, trust deeds, land contracts, mortgages, leases, mechanics' and other liens, attachments, notices of levy of execution, suits pending, tax sales, tax deeds, probate proceedings, special proceedings, bankruptcy and insolvency proceedings, unsatisfied judgments in State Courts and Federal Courts holding terms in the county, if any; transcriptions of judgments, and other matters not herein specified, of record in the public offices of the County of Washington, and State of Idaho, subsequent to the ## day of ##, 19##, at ## o'clock and prior to the 2nd day of January, 1948, at ## o'clock # M., affecting the title to or constituting liens upon the following described real estate situate in said Washington county, to-wit:

Lot One (1), and the Southeast Quarter
of the Northeast Quarter of Section One
(1) in Township Ten (10) North of Range
Five (5) West of the Boise Meridian.

Report on Special Taxes: (Special assessment Districts not collected by County Treasurer.)

All Mann Creek Irrigation District assessments are EXCEPTED from this certificate.

Report on Taxes: (As shown by records of County Treasurer's office.)

All taxes up to and including the year
1947 are paid in full.

This certificate is made for and at the request of A. A. Breshears
this 2nd day of January, 1948.

WASHINGTON COUNTY TITLE COMPANY

By J. F. Clabby
Sec.

MICROFILMED
OCT 01 1992

STARTING

LEFT

SIDE OF

FILE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-608 V1

WATER RIGHT NUMBER: 67-608 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOLA DEANE KERNER 1733 WEISER RIVER RD WEISER, ID 83672 (208)549-2795
Current Owner	MILTON KERNER 1733 WEISER RIVER RD WEISER, ID 83672 (208)549-2795

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.700 CFS	
<u>Total Diversion:</u>		0.700 CFS	

Location of Point(s) of Diversion

MANN CREEK	NW1/4SE1/4	Sec. 19, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	1	11.0	30.0			21.0												62.0

Total Acres: 120

Conditions of Approval:

1. K06 This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.
2. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.
3. E55 Right Nos. 67-608, 67-620 and 67-635 are limited to the irrigation of a combined total of 62 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-608 V1

4. C18 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.
5. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.21		62

Combined Water Rights: 67-620 , 67-635 , 67-608

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/2/2006 10:42:30 AM	dnarsavage			Active
POD	6/2/2006 10:44:47 AM	dnarsavage			Active
Source	6/2/2006 10:45:40 AM	dnarsavage			Active
POU	6/2/2006 10:46:04 AM	dnarsavage			Active
Use	6/2/2006 10:48:11 AM	dnarsavage			Active
Season	6/2/2006 10:49:52 AM	dnarsavage			Active
Quantity	6/2/2006 10:50:45 AM	dnarsavage			Active
Summary			06/02/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-608 V1

General	6/2/2006 10:42:31 AM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?
POD	6/2/2006 10:44:47 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	6/2/2006 10:46:04 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	6/2/2006 10:46:31 AM	dnarsavage	Updated shape for Active POU
POU	6/2/2006 10:47:04 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:05 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:09 AM	dnarsavage	Updated shape for 0
POD	6/2/2006 10:45:18 AM	dnarsavage	Updated shape
POU	6/2/2006 10:47:08 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:10 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:29 AM	dnarsavage	Updated shape for Active POU
POU	6/2/2006 10:47:35 AM	dnarsavage	Updated shape for 67 620
POU	6/2/2006 10:47:42 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:50 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:51 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:52 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:53 AM	dnarsavage	Updated shape for 0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-608 V1

Season	6/2/2006 10:49:53 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	6/2/2006 10:50:45 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
POU	6/2/2006 10:47:07 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:11 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:12 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:46 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:47 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:48 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:52 AM	dnarsavage	Updated shape for 0
Source	6/2/2006 10:45:40 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	6/2/2006 10:47:06 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:06 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:08 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:42 AM	dnarsavage	Updated shape for 67 635
POU	6/2/2006 10:47:47 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:53 AM	dnarsavage	Updated shape for 0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-608 V1

Summary	6/2/2006 10:54:44 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	6/2/2006 10:46:59 AM	dnarsavage	Updated shape for Active POU
POU	6/2/2006 10:47:03 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:04 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:07 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:09 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:11 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:12 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:43 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:44 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:45 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:49 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:50 AM	dnarsavage	Updated shape for 0
POU	6/2/2006 10:47:51 AM	dnarsavage	Updated shape for 0
Use	6/2/2006 10:48:12 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

Water Supply Bank:



Idaho Department of Water Resources

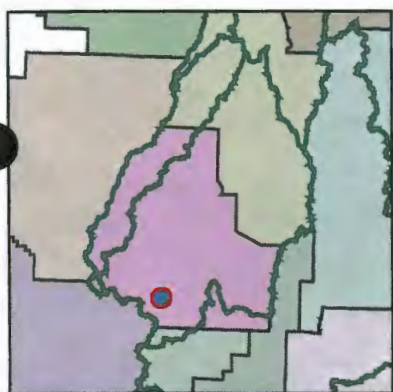
SRBA Recommendation:

67-608

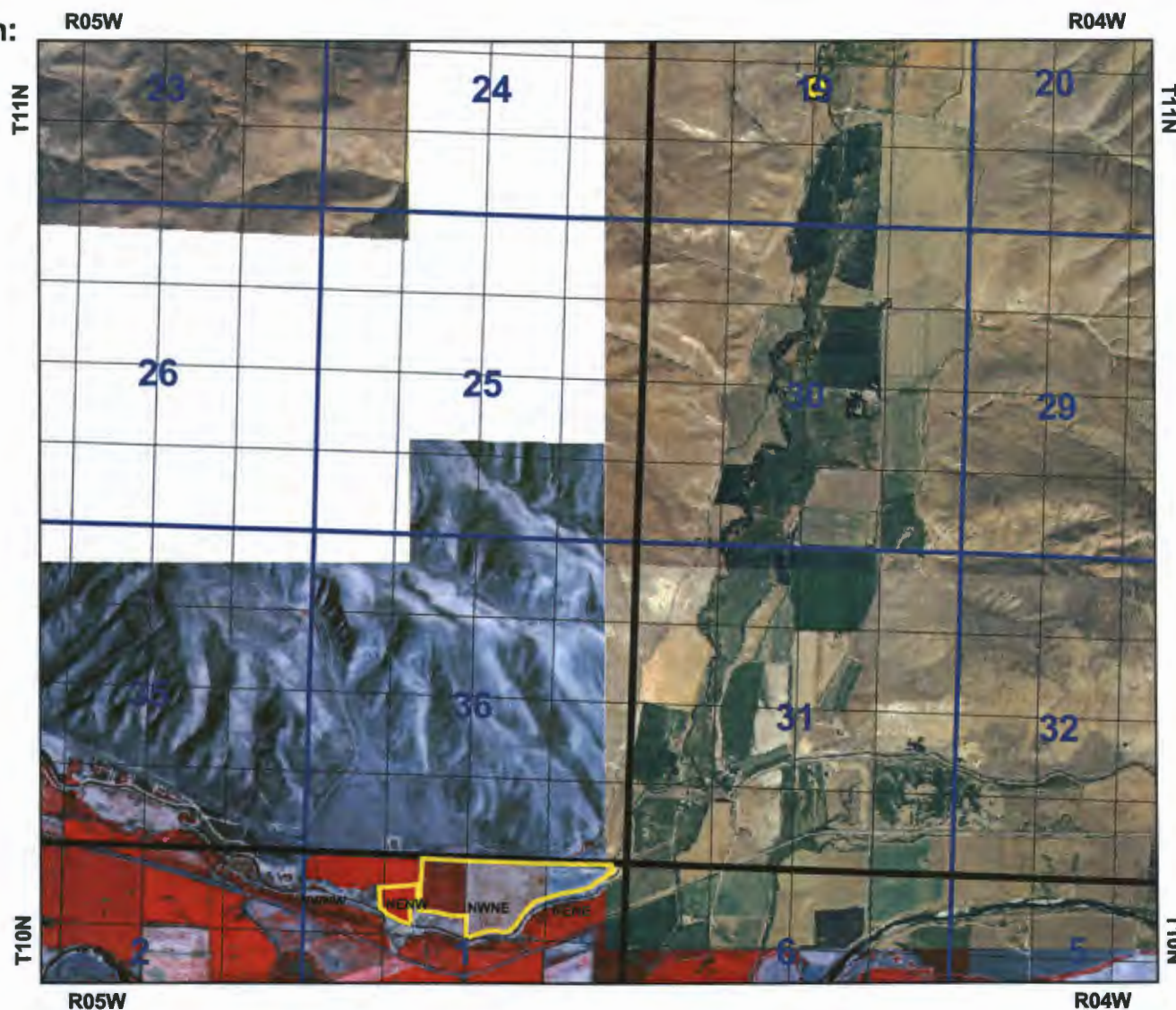
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67



0 1 2 Miles

Prepared by D. Narsavage
On Friday, June 2, 2006
1987/88 Aerial Photography

67-608



Info on Kerner
decreed rights

Decreed Places of Use



Ohms
Ditch

Priority Date Data Entry Form

Claim Number 67-614

Claimed Priority Date: 4/1/1902

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 4/1/1902

Water Right Basis: Decreed

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

DecreedReviewer: MVBDate: 3-20-06

Point of Diversion and Source Data Entry Form

Claim Number 67-614

Claimed Point of Diversion and Source

T11N R04W S31 NWSW Within WASHINGTON County Source: WEISER RIVER SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

decree off of Falligan Ditch

Claim is for live water off Weiser R. Decree was for Mann Creek water. POD QQ could be for Mann Creek or Galloway Canal. Claim comments say live water was exchanged for Crane Creek water. Live water or Crane Creek water? If live, Mann Creek or Weiser River?

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 67-614

Claimed Place Of Use

T10N R04W S06 Lot 4 NWNW	28.00	T10N R04W S06 Lot 5 SWNW	10.00
T10N R05W S01 NENE	20.00	T10N R05W S01 SENE	40.00
T11N R04W S31 Lot 4 SWSW	22.00		

Total Acres 120

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T10N R04W S06 Lot 4 NWNW	T10N R04W S06 Lot 5 SWNW
T11N R04W S31 Lot 4 SWSW	T11N R04W S31 SESW

Total Acres

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres

Document how the POU was verified:

deed was for 64ac → Lot 4 & SESW of S31 T11N R4W
 west of the center line of Mann Creek (see Dan's map)

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 67-614

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 67-614

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.9	

Overall Diversion Rate 0.9

Overall Diversion Volume

 Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.9	

Overall Diversion Rate 0.9

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

decree was for 64 inches = 1.28 cfs

Reviewer: _____

Date: _____

Contacts Data Entry Form**Claim Number: 67-614**

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	LOLA DEANE KERNER	1733 WEISER RIVER RD	WEISER	ID	83672	(208)549-2795
Current Owner	MILTON KERNER	1733 WEISER RIVER RD	WEISER	ID	83672	(208)549-2795

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Lola Deane Kerner
1733 Weiser River Road
Weiser, ID 83672

Re: SRBA claims 67-614, 67-620, & 67-635

April 17, 2006

Dear Mrs. Kerner:

My name is Dan Narsavage, and I am in the process of reviewing claims to water rights in the Snake River Basin Adjudication (SRBA) along Mann Creek near Weiser, Idaho.

After meeting with you on March 20, 2006, Monica Van Bussum related to me the state of your water use as you described to her. It does not appear to me that your claims to water rights from Mann Creek through Ohms Ditch accurately reflect this water use, nor do your claims conform to the decreed water rights appurtenant to your land. Currently, I cannot recommend your water rights as claimed from Mann Creek. Below is a short synopsis of what I require from you to recommend your water rights from Mann Creek as you discussed with Monica:

Please review the three "Notice of Claim" reports included with this letter. These are claims which you filed in 1989 that I have amended to more accurately reflect your current water use and the Jefferson vs Higgenbotham decree. Initial each of the highlighted changes I have made, sign the last page of each claim, and return them to my attention at the address above.

I understand that my request may be unclear to you, but rest assured that it is fairly routine and that I can easily talk you through what needs to be done. For more information or assistance, please contact me using the telephone number or email address provided below before **May 1, 2006**.

Sincerely,

Daniel L. Narsavage
GIS Specialist
Telephone: 208-287-4885
E-mail: Dan.Narsavage@idwr.idaho.gov

Enclosures:

- Map
- Notice of Claim to a Water Right... 67-614
- Notice of Claim to a Water Right... 67-620
- Notice of Claim to a Water Right... 67-635

Cc: Bruce Kerner
1819 Weiser River Road
Weiser, ID 83672



Map of the ground covered by Mann Creek Water through Ohms Ditch as per MVB field exam report (March 20, 2006)

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 67-620
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1910

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.24	

7. Total Quantity Appropriated is:

0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW NW	4	IRRIGATION	28
			SW NW	5	IRRIGATION	10
Section Acres						38
10N	05W	1	NE NE		IRRIGATION	11
			NW NE		IRRIGATION	30
			NE NW		IRRIGATION	21
Section Acres						62
11N	04W	31	SW SW	4	IRRIGATION	22
Section Acres						22
Total Acres						62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

15. Basis of Claim: Decreed

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

of _____ 20__

Notary Public

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 67-635
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1916

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.3	

7. Total Quantity Appropriated is:

0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
10N	04W	6	NW	NW	4	IRRIGATION	28
			SW	NW	5	IRRIGATION	10
Section Acres							38
10N	05W	1	NE	NE		IRRIGATION	11
			NW	NE		IRRIGATION	30
			NE	NW		IRRIGATION	21
Section Acres							62
11N	04W	31	SW	SW	4	IRRIGATION	22
Section Acres							22
Total Acres							62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

15. Basis of Claim: Decreed

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

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 67-614
Date Received: 9/26/1989
Receipt No: M004698
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOLA DEANE KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

MILTON KERNER Phone: (208)549-2795

1733 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1902

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	19	NW SE	WASHINGTON	

5. Description of diverting works:

DIVERSION DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	3/15	11/15	0.7	

7. Total Quantity Appropriated is:

0.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NW	NW	4	IRRIGATION 28
			SW	NW	5	IRRIGATION 10
					Section Acres	38
10N	05W	1	NE	NE		IRRIGATION 11
			NW	NE		IRRIGATION 30
			NE	NW		IRRIGATION 21
					Section Acres	62
11N	04W	31	SW	SW	4	IRRIGATION 22
					Section Acres	22
					Total Acres	62

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINALLY TOOK WATER FROM MANNS CREEK, ON JAN. 15th, 1941 AN AGREEMENT BETWEEN WEISER IRRIGATION DISTRICT AND ARTHUR BRESHEARS WAS MADE TO EXCHANGE WATER FROM MANNS CREEK FOR WATER FROM CRANES CREEK RESERVOIR. SEE ATTACHED COPY OF AGREEMENT

THIS CLAIM HAS BEEN AMENDED TO CLAIM 67-608, AND NOT 67-614.

15. Basis of Claim: Decreed

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
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____