

1998 SEP 15 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-04087

NAME AND ADDRESS: BURTON B BERRETT
WANDA BERRETT
RT 1 BOX 1
2912 E 650 N
ROBERTS, ID 83444

SOURCE: POND TRIBUTARY: ROBERTS SLOUGH

QUANTITY: 0.40 CFS

PRIORITY DATE: 06/01/1965

POINT OF DIVERSION: T05N R37E S33 NWNWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS

PLACE OF USE: Irrigation Within Jefferson County
T05N R37E S33 NWSW 20.0
20.0 Acres Total

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.


Darrell L. Hurlburt
Presiding Judge
Snake River Basin Adjudication

This
Right has been
Decreed in the
SRBA.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Burton B. Berrett

(Name of Claimant)

Rt. #1, Roberts, ID 83444

(Mailing Address)

Telephone No. 228-6101

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1969

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Dug Sump Pit tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	2.0	Use	Irrigation	Period of Use From April 1	To November 1
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 2.0 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 33 Twp. 5N Rge. 37E B.M., County of Jefferson
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 7 H.P. electric motor and centrifugal pump and sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	37E	33									40	30	12	27					109

No. of acres 109

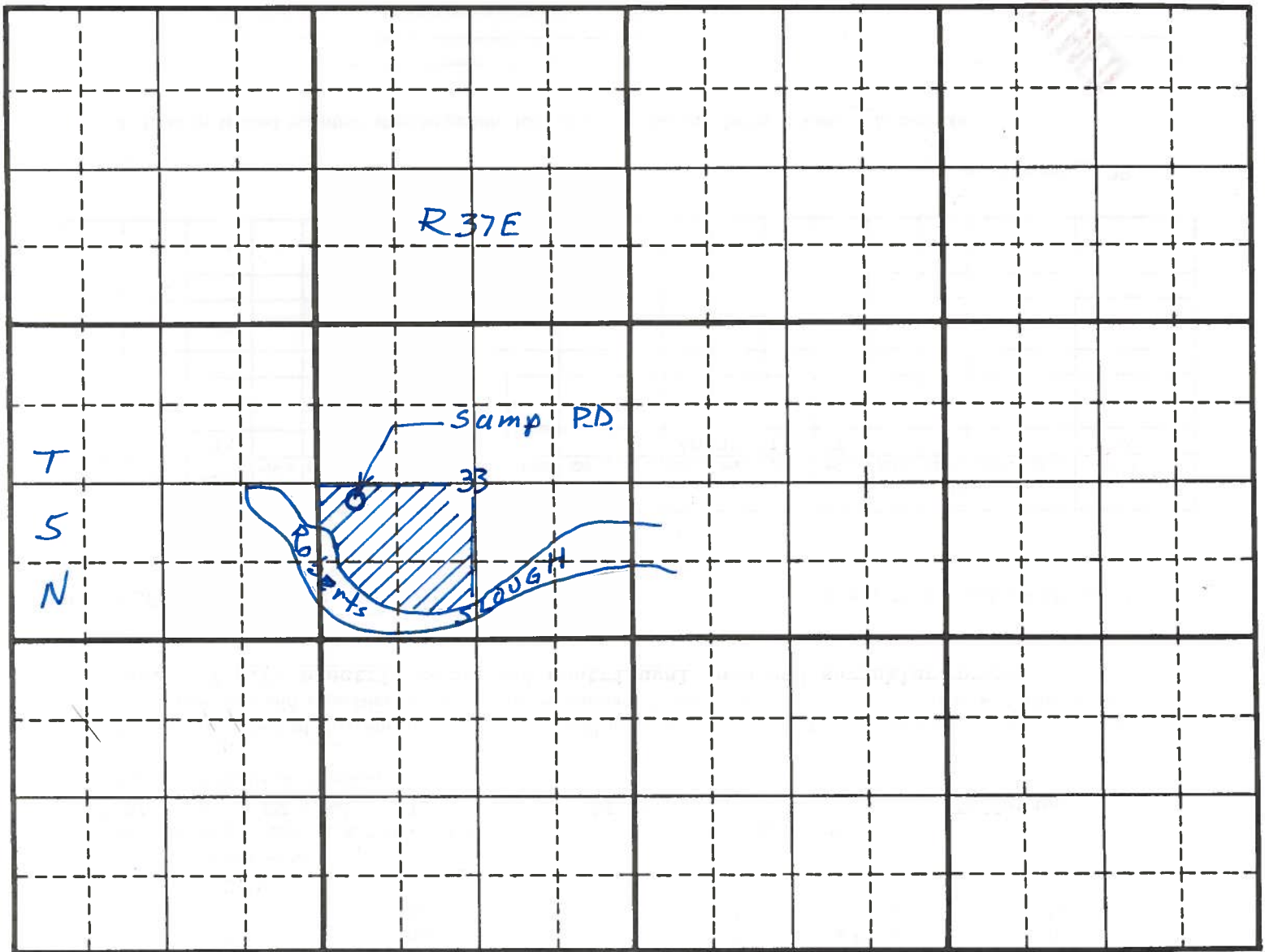
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28 day of February, 1980.

Durston B. Perrett
(Claimant)

Kathlyn A. Walker
Notary Public
Residing at Idaho Falls

My commission expires life

FOR DEPARTMENT USE ONLY

Received by JW Date 2/28/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ARK Date 2/28/80
\$20.00 fee received by KW Date 2/28/80 # 13820
Published in The Rigby Star
Dates 3/13 & 3/20/80

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:

25-4054

Raymond, Orson Dallas Rt.
1, Box 109, Menan, ID 83434
Source: Spring tributary to
Spring Ck.

Priority Date: 4/1/1945

Amount: 6.00 CFS

Diversion Point: NWSE

Sec 30 T 05N R 38E,
Jefferson County. Use: Irriga-
tion (6.00 CFS) from 4/1 to
11/1 Place of Use: SESW
NWSE SWSE Sec 30 T 05N R
38E for 44 acres Diversion
Means: Headgate, pump and
ditches.

35-4087

Berrett, Burton B. Rt.1,
Roberts, ID 83444
Source: Pond (Dug sump
pit)

Priority Date: 5/1/1969

Amount: 2.00 CFS

Diversion Point: NWSW

Sec 33 T 05N R 37E,
Jefferson County Use: Irriga-
tion (2.00 CFS) from 4/1 to
11/1 Place of Use: NESW
NWSW SWSW SESW Sec 33
T 05N R 37E for 109 acres
Diversion Means: Pump and
sprinkler system.

Any exception to any claim
of water right may be filed
with the Director of the Idaho
Department of Water Re-
sources, 1515 Lincoln Road,
Idaho Falls, Idaho 83401.

/s/ C. Stephen Alired
Director

Published March 13 & March
20, 1980.

Affidavit of Publication

THE RIGBY STAR

RECEIVED

APR 7 1980

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

ss

I, Marie B. Nye, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on
the

Twelfth day of March, 19 80

and the last publication on the

Twentieth day of March, 1980

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Marie B. Nye

Publisher

Subscribed in my presence and sworn to before me this Twentieth
day of March, 19 80.

[SEAL]

Evelyn M. Flygler

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19 80

Publication Fee: \$ 20.09

MICROFILMED

This
Right has been
Decreed in the
SRBA.

MICROFILMED

JUN 11 2002

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: A. R. Kozlovski

Right Number 35 4087

Applicant Burton B. Bennett

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

3/31

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date 4/8/1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jac Date 4/17/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

APRIL 2, 1980

BURTON B. BERRETT
RT. 1
ROBERTS

ID 83444

RE: Claim No. 35-4087

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

BERRETT, BURTON B.

RT. 1, ROBERTS, ID 83444

Source: POND (DUG SUMP PIT)

Priority Date: 05/01/1969

Amount: 2.00 CFS

Diversion Point: NWSW Sec 33 T 05N R 37E, JEFFERSON Co.

Use: IRRIGATION (2.00 CFS) from 04/01 to 11/01

Place of Use: NESW NWSW SWSW SESW Sec 33 T 05N R 37E FOR 109 ACRES

Diversion Means: PUMP & SPRINKLER SYSTEM.

MICROFILMED