

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	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	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 W. Hurt
Presiding Judge
Snake River Basin Adjudication

DATE: 02/11/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BURTON B BERRETT	06/01/1965	IRRIGATION	04-01 10-31	0.40 CFS	
C	WANDA BERRETT					
	RT 1 BOX 1					
	2912 E 650 N					
	ROBERTS ID 83444					
	(208) 228-6101					
				TOTAL DIVERSION:	0.40 CFS	

Stage: BENEFICIAL USE

JEFFERSON County

MS

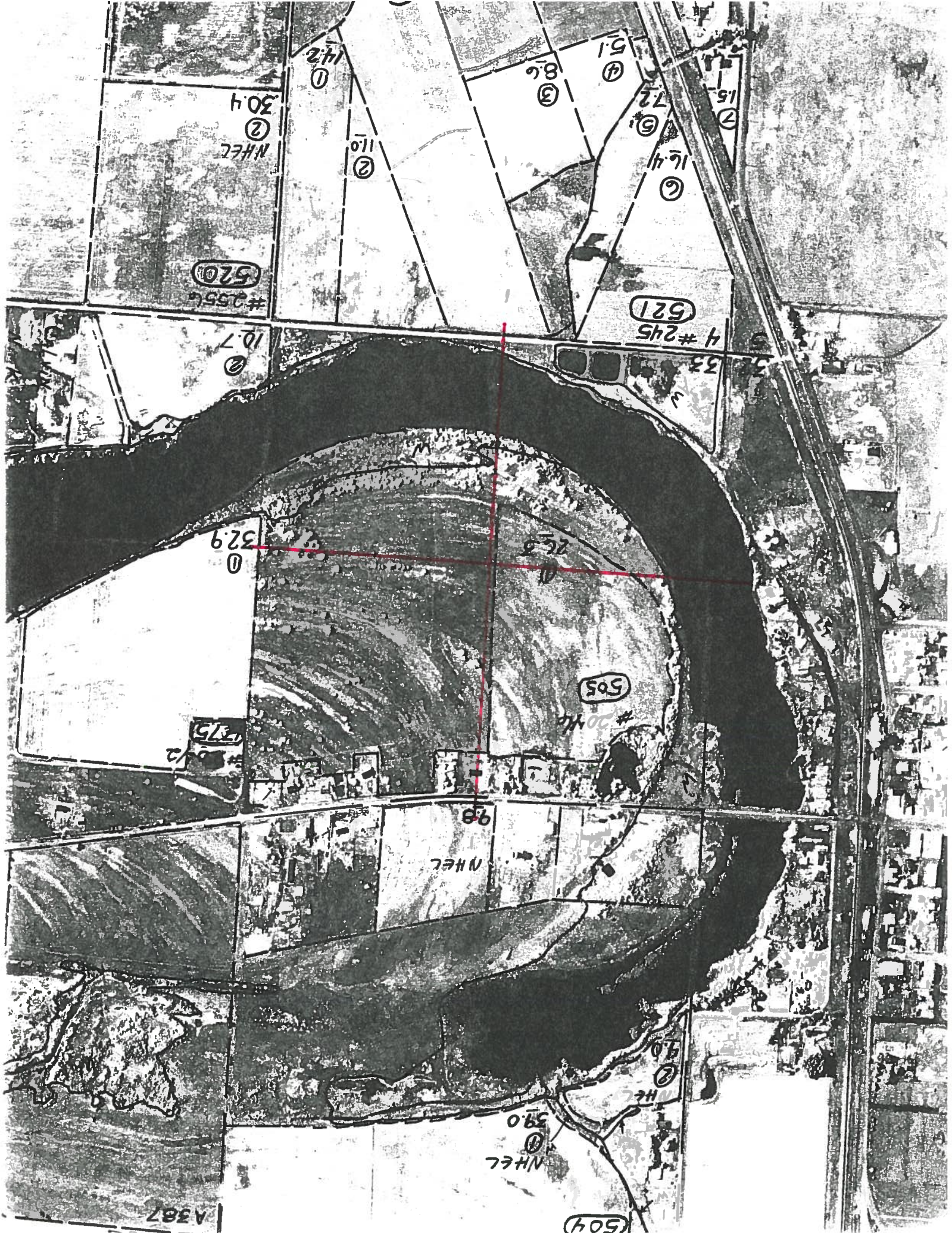
[illegible]

POU County: JEFFERSON

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:
Presumption Flag:



A387

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 435-04087Date Received 11-30-88Receipt Number E004767

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BERRETT BURTON or WANDA Phone (208) 228-6101Mailing Address 2912 E. 650 N. Rt 1 Box 1 Zip 834442. Date of Priority (Only one (1) per claim) 06/01/19653. Source of water supply (a) GROUND WATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 05N Range 37E Section 33,
NE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of _____

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 _____

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. 7 H.P. ELECTRIC MOTOR ANDCENTRIFUGAL PUMP AND SPRINKLER SYSTEM

A3504087



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 01/04 to 01/11 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (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:

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	
05N	37E	33										I							

Total number of acres irrigated 20

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 ☒ 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 (<)

14. Remarks:

Last Name BERRETT Ident No. _____

Copies: White- State Yellow- Claimant

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Scale: 2 inches equals 1 mile

[illegible]

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Copies: White-State, Yellow-Claimant
DEC 10 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) Burton Benito Date 30 Nov 1988
Date 30 Nov 1988

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 Donnerville) SS.

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

SEAL

Notary Public Calvin Wray

Residing at Idaho Falls

My Commission Expires 5/29/1991

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 _____

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Copies White-State, Yellow-Claimant
DEC 10 1992

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: A35-04087
Date Received: 11/30/1988
Receipt No: E004767
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BURTON B. BERRETT 208-228-6101
Address: RT. 1, BOX 1
2912 E. 650 N.
ROBERTS, ID 83444

OR

Name: WANDA BERRETT 208-228-6101
Address: RT. 1, BOX 1
2912 E. 650 N.
ROBERTS, ID 83444

2. Date of Priority: JUN 01, 1965

3. Source: POND Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	37E	33	NE	NW	SW		JEFFERSON

5. Description of diverting works:
PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

*Did NOT change
THIS IS CORRECT, - NOT. ONLY
NOTICE*

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

A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A35-04087

Page 1

Date: 02/16/89

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DEC 10 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	37E	33	NW SW		IRR	20.0
Section Acres						20.0
Total Acres						20.0

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:

*
* MEMO TO THE FILE: 02/16/89 PRM.
*
* SOME CONFUSION AS TO SOURCE. ORIGINAL '243' CLAIM INDICATED
* DUG SUMP PIT AS SOURCE. ADJUDICATION CLAIM INDICATES SOURCE
* AS GROUNDWATER. FIELD EXAM RECOMMENDED.

15. Basis of Claim: STATUTORY CLAIM

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 _____

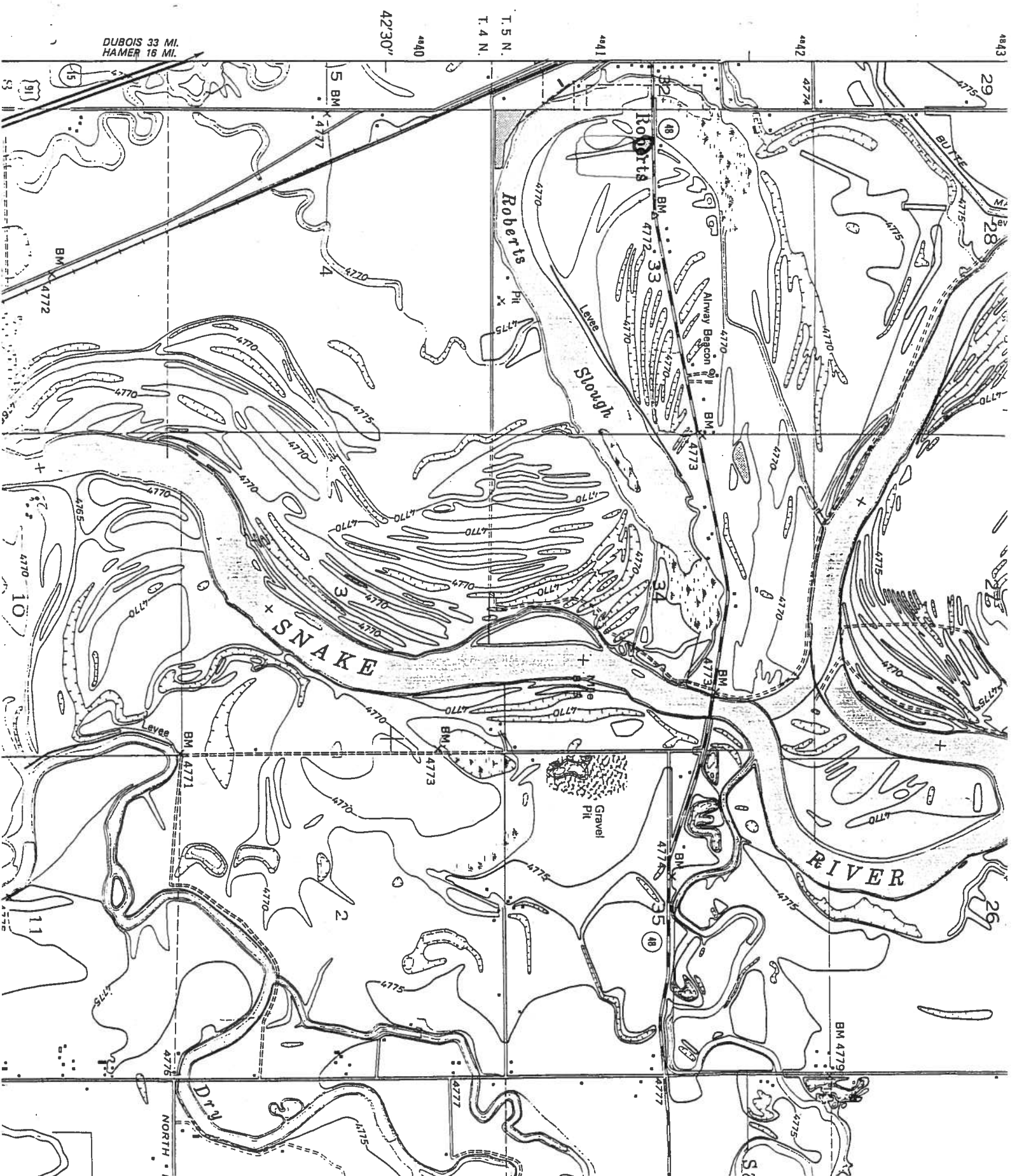
Notary Public

Seal

Residing at _____

My Commission Expires _____

#7090



DUBOIS 33 MI.
HAMER 16 MI.

42'30"

T. 5 N.
T. 4 N.

4940

4941

4942

4943

29

30

31

32

33

34

35

36

BUTTE

Roberts

Roberts Pile

Slough

Snake

RIVER

Gravel Pile

NORTH

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)	
Quantity		Use		(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.

[illegible]

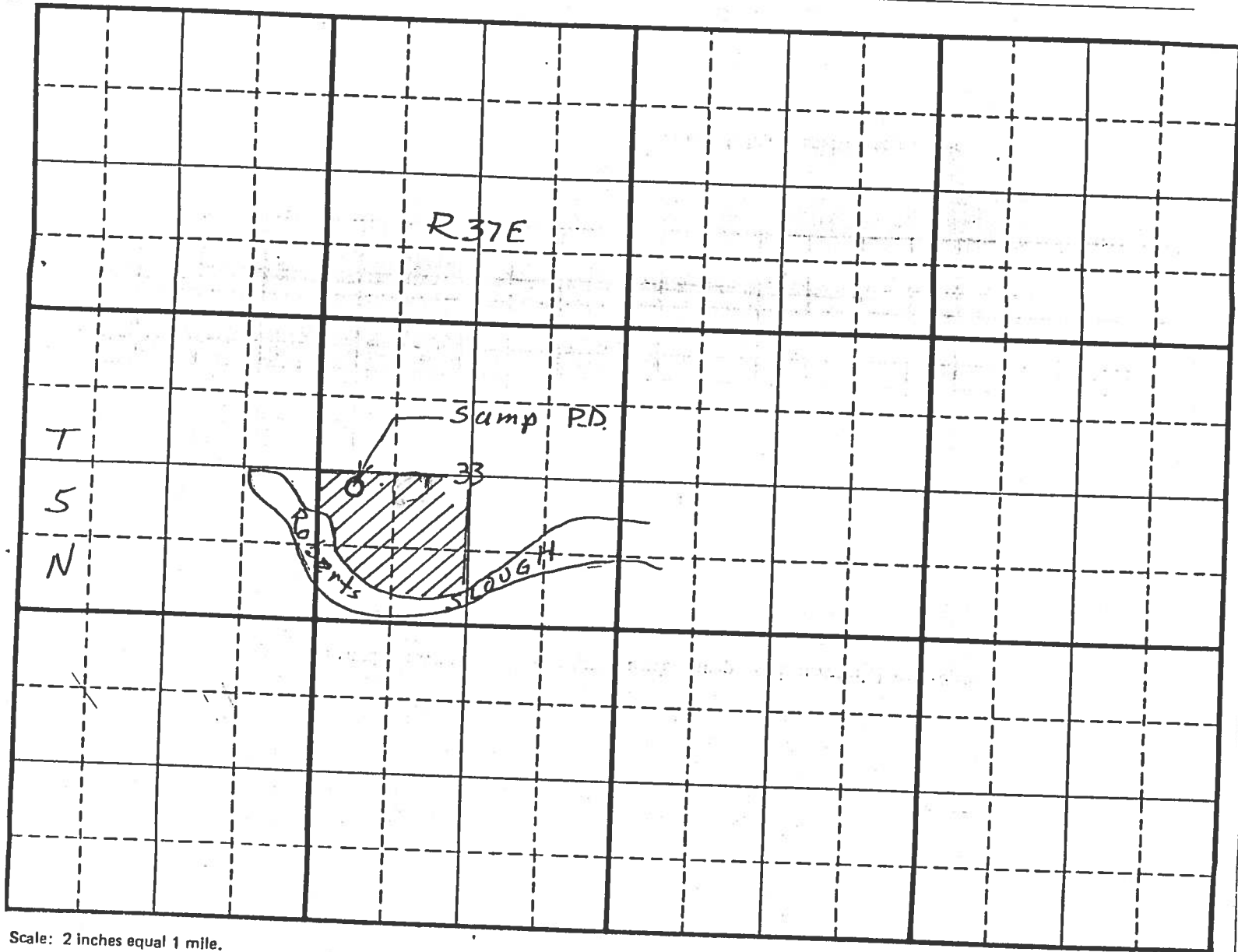
No. of acres 109

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:

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. Perrott
(Claimant)

Kathlyn A. Walker
Notary Public
Residing at Alabo Falls

My commission expires life

FOR DEPARTMENT USE ONLY

Received by JW
Prelim. check by HRK
\$20.00 fee received by EW
Published in The Rigby Star
Dates 3/13 & 3/20/80

Date 2/28/80
Date 2/28/80
Date 2/28/80
Exception filed by: #13820

Forwarded to claimant by: _____
Date _____

17-Jun-1991

BURTON R BERRETT
RT 1 BOX 1
2912 E 650 N
ROBERTS ID 83444

RE: **Evidence of Priority**
NO. A35-04087

Dear Claimant:

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.

Please submit the required evidence supporting the priority date by JULY 15, 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.

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DEC 10 1992

BURTON R BERRETT
A35-04087

page 2

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,

Eric Verner
Senior Water Agent

EV:rb

Enc. Brochure on "Evidence of Priority"
Proof Report

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RECEIVED

JUL 15 1991

July 13, 1991

Department of Water Resources
Eastern District Office

Re: Bert Berrett water rights

To Whom it may concern:

IN 1964, I WAS INFORMED THAT THE CONSTRUCTION OF HIGHWAY I-15 WOULD NECESSITATE RELOCATION OF MY CURRENT HOMESITE, BARNYARDS & LIVESTOCK. I THEN MADE PREPARATIONS TO RE-ESTABLISH ON PROPERTY OWNED JOINTLY BY MY BROTHER, NEIL, & ME, JUST EAST OF THE ROBERTS SLOUGH ON THE SOUTH SIDE OF HWY. 48.

KNOWING THAT MILK COWS WOULD NEED BETTER GRASS THAN WHAT THE LAND WAS VOLUNTARILY YEILDING, I IMMEDIATELY SET UP A SPRINKLING SYSTEM, USING A TRACTOR FOR POWER TO PUMP WATER FROM A SAND.

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DEC 10 1992

pit formed by Burns Construction Co., & moved my livestock in.

It was soon brought to my attention, that my brother had traded his half of the property to J.C. (Doc) Sorenson without my knowledge. I, then, purchased Docs share by trading him another piece of land and payment of \$2,000.00.

I continued then to construct barnyards, a basement, drill a well & install a sewage system. Having been told that ^{my} present house would not withstand another move, the Hwy. Dept. traded me a home they had purchased on Anderson St. in Idaho Falls, which we then moved to our new location. In March, 1966, we officially moved in.

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REF: 10 1592

IN 1967, I obtained
A 7 H.P. motor To replace
The Tractor for pumping, AND
IN 1969, I officially filed
FOR WATER rights.

Sincerely,

Bert or Wanda Berrett

Bert Berrett
2912 E. 650 N.
Roberts, ID 83444

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--- DEC 10 1992

LOAN NUMBER

11231965

FIRST MORTGAGE NOTE

\$ 2,000.00

Nov. 23, 1965

FOR VALUE RECEIVED, the undersigned jointly and severally promise to pay J. C. Sorensen, or order, without grace, the principal sum of Two Thousand and no/100 - - Dollars (\$ 2,000.00),

in 4 annual installments as follows, namely:

Beginning on the ~~first~~ ^{23rd} day of November 1966, and annually thereafter, the sum of Five Hundred and no/100 - - - - - Dollars, (\$ 500.00) and the balance of said principal sum due and payable on the ~~first~~ ^{23rd} day of November, 1969; with interest from date on said principal sum or so much thereof as may from time to time remain unpaid at the rate of seven percent (7 %) per annum until maturity, payable annually commencing on the ~~first~~ ^{23rd} day of November 1966.

Both principal and interest of this note are payable in lawful money of the United States of America at Roberts, Jefferson County, Idaho, or at such other place as the holder hereof may designate in writing.

Should default be made in the payment of interest, or any installment on account of principal, or any part thereof, on any day whereon the same is made payable as provided in this note, or in the payment of any and all taxes, assessments, water and public charges and liens of every nature affecting the property securing this note, or any part thereof, on the day the same shall become due; or should default be made in keeping and performing any of the terms, covenants and conditions of this note or of the mortgage securing the same, then, in any of said events the holder of this note may at any time thereafter declare the aforesaid principal indebtedness, or so much thereof as may remain unpaid, with all accrued interest, late charges and all advancements, to be made at once due and payable.

Should the undersigned permit any deficiency in the amount of the aggregate annual, or other periodic payments, provided for herein, or in the mortgage securing this note, or any failure to pay advancements or payments made by the Mortgagee pursuant to the provisions of the said mortgage, such deficiency or failure shall constitute an event of default under this note and, if not cured within 15 days, the undersigned jointly and severally promise to pay a "late charge" of four cents (4c) for each dollar (\$1.) of each payment or advancement or interest thereon at the highest legal rate permissible by contract under the laws of the State wherein the property securing this note, or any part thereof, is situated, whichever is greater, provided, however, that the undersigned shall not become liable to pay total interest and "late charge" in excess of the highest legal rate permissible by contract under the laws of the said state and that in the event the said property is situated in more than one State and conflicting highest legal rates permissible by contract exist, the lowest of such rates shall apply.

In the event this note is placed in the hands of an attorney for collection of the same the undersigned agree to pay reasonable attorney's fees and the costs and expenses incurred in connection with his efforts to collect the same and/or instituting suit or proceedings to collect this note or any portion thereof and all costs of evidence of title procured.

Each of the undersigned expressly waives as a defense any release or discharge by reason of any extension of time, or change in the times or terms, of payment of this note or addition to or alteration of any security given for the payment of this note, or from any other cause.

No requirement hereof may be waived at any time except by a writing signed by the holder hereof nor shall any waiver be operative on other than a single occasion.

This note is secured by a mortgage upon real property located in Jefferson County, State of Idaho.

Bert Berrett
Bert Berrett

Wanda Berrett
Wanda Berrett

P. O. Address: Roberts, Idaho

(See schedule on back)

RECEIVED
JUL 15 1991
Department of Water Resources
Eastern District Office

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DEC 10 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:48:02
05/29/91

CLAIM NUMBER: A35-04087

1
GENERAL INFORMATION

NAME: T. BERRETT
ADDRESS: RT. 1, BOX 1
2912 E. 650 N.
Y: ROBERTS
PHONE NUMBER: 208-228-6101
EXaminer CODE: C

FIRST: HURTON B.
STATE: ID ZIP: 83444

NAME: T. BERRETT
ADDRESS: RT. 1, BOX 1
2912 E. 650 N.
Y: ROBERTS
PHONE NUMBER: 208-228-6101
EXaminer CODE: C

FIRST: KANDA
STATE: ID ZIP: 83444

FIELD EXAMINER
DATABASE Y

ADJUDICATION REQUIRED DUE TO REMARKS?

ADJUDICATION REMARKS: * MEMO TO THE FILE: 02/16/89 PRM.
*
* SOME CONFUSION AS TO SOURCE. ORIGINAL '243' CLAIM INDICATED
* DUG SUMP PIT AS SOURCE. ADJUDICATION CLAIM INDICATES SOURCE
* AS GROUNDWATER. FIELD EXAM RECOMMENDED.
*

CONTACT PERSON: _____ PHONE NUMBER: () - -

DATE OF FIELD EXAM: 6/11/12 APPOINTMENT MADE: Y() N() TIME: - - : - - A() P()

ACCOMPANIED BY: _____ PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

FIELD REVIEW

A. AJ CLAIM: # A35-04087 PRIORITY DATE: 06-01-1965 STAGE: S
B. WR RECORD: # 35-04087 PRIORITY DATE: 05-01-1969 STAGE: S

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) FIELD EXAMINER
Y -----

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: 6-01-1965

RECOMMENDED PRIORITY DATE:

REVIEWED BY DC DATE 5/27/92

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-04087	05N	37E	33	NE	NH	SH		JEFFERSON

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A35-10160 NONE
A35-10251

NR RECORDS IN SAME 40 ACRE TRACT

NONE

TRIB: ROBERTS SLOUGH

SOURCE: POND

B. NR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-04087	05N	37E	33	NH	NH	SH		JEFFERSON

OTHER NR RECORDS WITH SAME NR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE
A35-10160 NONE
A35-10251

SOURCE: POND

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	Y	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY? (Y/N)	M	

REMARKS:

~~POND~~ POND TRIB: ROBERTS SLOUGH

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TMP. RGE. SEC. 1/4 1/4

COUNTY

LOT

1/4

SOURCE: POND

TRIB:

REVIEWED BY:

DATE:

6/6/92

A. ROOT WATER RIGHT NUMBERS: A35-04087

B. POU LISTING

TWP RNG SEC 1/4 1/4 LOT NAME

OSN	37E	33	NW	SH	BERRETT, BURTON B.	AJ #/ACRES	35-04087	30.00	39.00	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	SH	BERRETT, BURTON B.	A35-04087	20.00					
			NW	SH	BERRETT, BURTON B.	A35-10160	/					
			NW	SH	COOLEY, BENNIE	A35-10251	/					
TOTAL ACRES						A35-04087	20.00	30.00	39.00			

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 20

REVIEWED BY: JRC

DATE: 6/1/92

A. AJ CLAIMED USES:

PURPOSES
A35-04087 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01
10/31
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
2.000 CFS
2.000 CFS

B. WR RECORDED USES:

PURPOSES
35-04097 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
2.000 CFS
2.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N N N
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y (X) N (X)
Y (X) N (X)

EXPLAIN IN REMARKS, BELOW.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.000 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
*** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS ***
*** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. ***

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD theoretical, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A35-10160	DOMESTIC	BERRETT, BURTON B.	FROM 01-01 TO 12-31	.040 CFS	
A35-10160	STOCKWATER	BERRETT, BURTON B.	FROM 01-01 TO 12-31	.020 CFS	
A35-10251	DOMESTIC	CODLEY, BENNIE	FROM 01-01 TO 12-31	.040 CFS	

HP

$$RFS = 8.8(7)(7)$$

$$7HP \text{ PUMP}$$

$$5DEEP + (2.31)(45)$$

$$43.12$$

$$109$$

0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1B. CALCULATIONS

1A. IRRIGATION RATE
ACRES 20 X 0.02 CFS/ACRE = 0.40 CFS
(TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 50.0 AF/A

ACRES 20 X CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 60 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 20 X DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 80 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE 2.000 EXAMINER 0.40	DATABASE EXAMINER 80	DATABASE EXAMINER 50.0 60

TOTAL FOR THIS RIGHT

REVIEWED BY: DC

DATE: 6/14/92

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED (X) NEEDS REVIEW ()

OWNERSHIP FORFEIT/ABANDON ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-04087

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 2.000 EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A35-04087	2.000	-		35-04087	2.000
TOTAL CFS		2.000				2.000

DIVERSION RATE REVIEW

FIELD EXAMINER DATABASE Y

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

REMARKS:

AUTHENTICATION:

SIGNATURE: DATE: 6/19/92

NAME OF FIELD EXAMINER: DAVE CARLSON TITLE: WA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:48:02
05/29/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A35-04087

NR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N				
POINT OF DIV	Y		DOH92	Y				
SOURCE	Y			Y				
PLACE OF USE				N				
DIV. AMOUNT CFS/VOLUME	Y			Y				
CONSUMPTIVE USE	-							
PURPOSES				N				
PERIOD OF USE				Y				
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORIHO-PQ = 1
 ACS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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

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

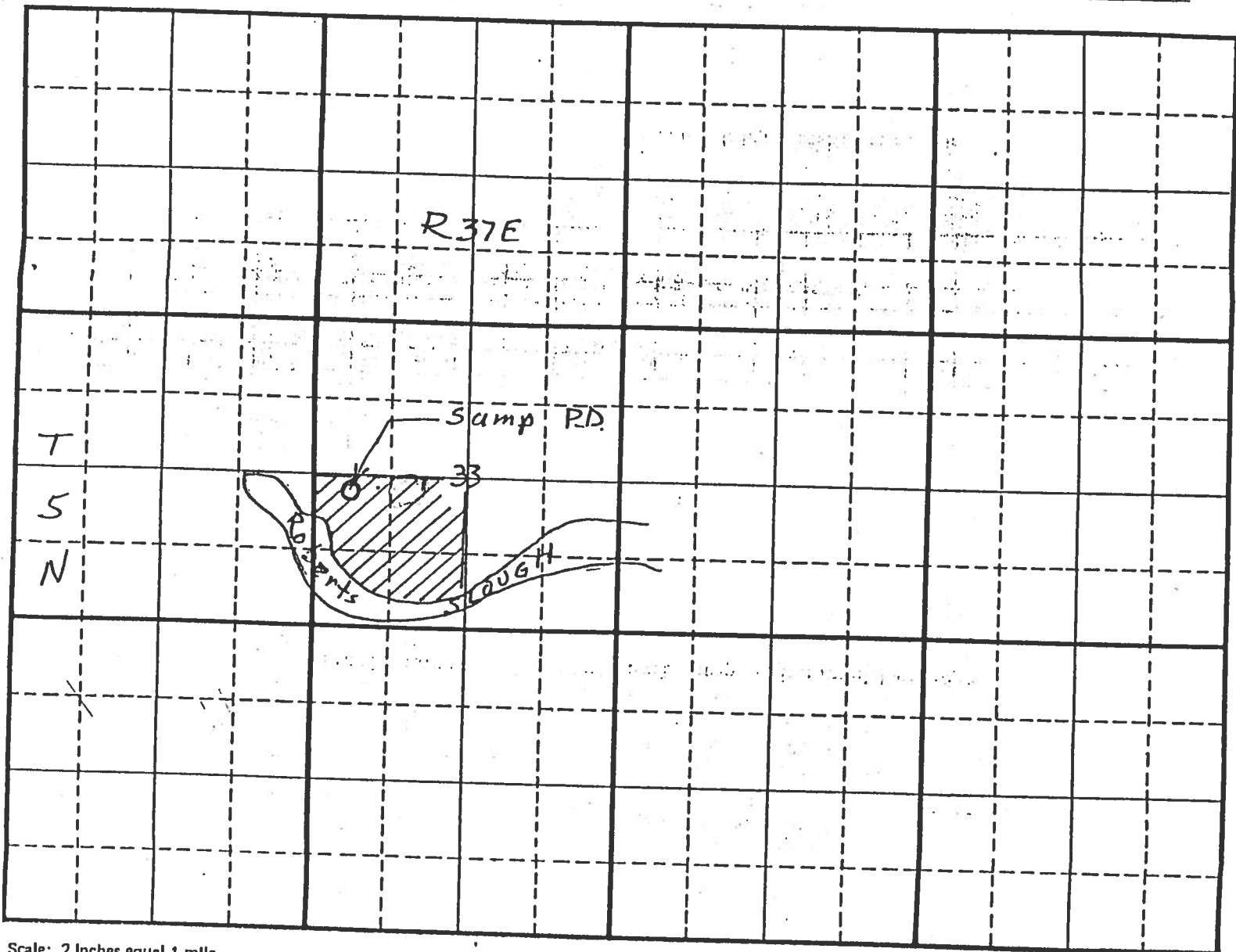
No. of acres 109

- 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:

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

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 A. Barrett
(Claimant)

Kathlyn A. Walker
Notary Public
Residing at Idaho Falls

My commission expires life

FOR DEPARTMENT USE ONLY

Received by JW
Prelim. check by ARK
\$20.00 fee received by KW
Filed in The Rigby Star
3/13 & 3/20/80

Date 2/28/80 Exception filed by:
Date 2/28/80
Date 2/28/80 # 13820

Forwarded to
claimant by: _____
Date _____