

45-04072

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 Kenneth Sherfey (Name of Claimant)
Box 144, Oakley, Idaho 83346 Telephone No. --
 (Mailing Address) (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 1962

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)
Unnamed Spring (Warm Spring) tributary to sinks

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

		(Both dates inclusive)			
(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)	
Quantity	0.03 cfs	Use livestock	Period of Use From	Jan 1	To Dec 31
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) 0.03 cfs TOTAL QUANTITY USED.
(cfs. gpd. AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 27 Twp. 14S Rge. 22E B.M., County of Cassia
 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. existing reservoir, buried pipe to Earl Whitely Estate stock tank with float valve, 1" line for overflow from Whitely stock tank to two stock tanks owned by applicant.

(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]

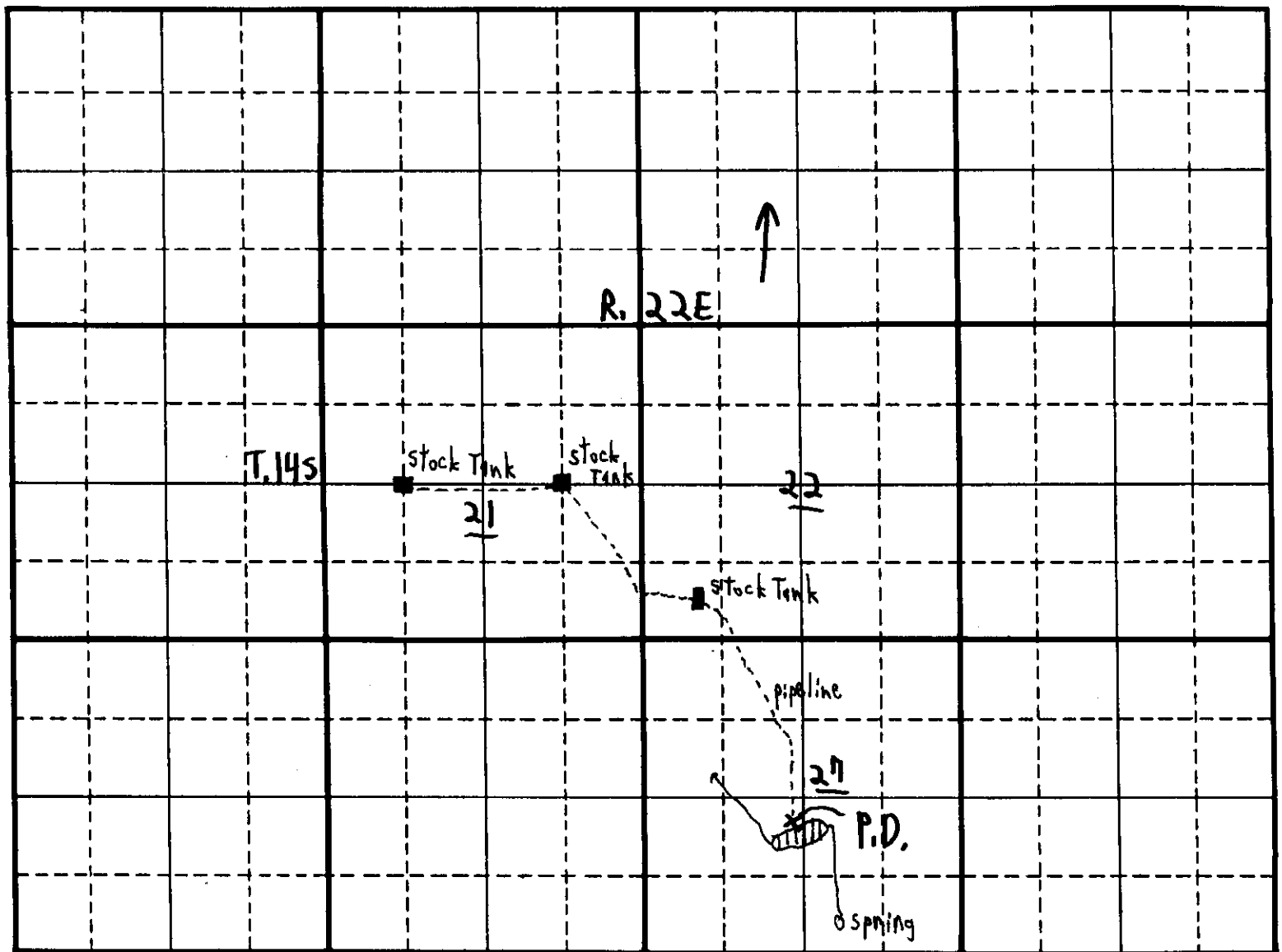
No. of acres

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: 100 range cattle

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

(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 Cassia) 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 2nd day of August, 19 78.
Herman H. Keyes (Claimant)

Alta Hunter
Notary Public
Residing at Oakley, Idaho.

My commission expires May 8, 1982.

FOR DEPARTMENT USE ONLY

Received by <u>SM</u>	Date <u>8/3/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GO</u>	Date <u>8-31-78</u>		claimant by:	
\$20.00 fee received by <u>maaya</u>	Date <u>9/1/78</u>			
Published in <u>South Idaho Press</u>				
Dates <u>Sept. 19 + 26, 1978</u>				

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Cindy Duffin, being first
duly sworn, deposes and says that she is the

clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2 times
consecutive weeks, commencing with the issue
dated 9-19 1978, and ending
with the issue dated 9-26, 1978

Cindy Duffin

Subscribed and sworn to before me
this 27th day of Oct
1978.

Norma M. Petersen Notary Public

Cost of Publication 11.20
Notary Fee _____
Total Cost 11.20

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

ad
mwp
9/3/78

78-398

NOTICE OF CLAIM TO A
WATER RIGHT

No. 48-8892

NOTICE IS HEREBY GIVEN that
Kenneth Sharkey, Oakley, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 0.03
cfs, for per second of water
from unnamed Spring (Warm
Spring) with point of diversion in
the NW 1/4, Sec. 27, Twp. 14
S., Rge. 22 E., B.M., County of
Cassia.

The water is claimed to be used
from Jan. 1 to Dec. 31 with a
priority of May, 1968; the place
of use is within the NW 1/4,
S 1/4 NW 1/4, N 1/4 SW 1/4, N 1/4 SE 1/4,
Sec. 27, Twp. 14 S., Rge. 22 E.,
B.M.

Any objection to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho, 83301.

C. Stephen Allred

Director

Published in the South Idaho
Press on September 19 and 26,
1978.

RECEIVED

SEP 27 1978

Idaho Department of Water Resources
Twin Falls, Idaho

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Henry J. Thompson being first
duly sworn, deposes and says that he is the

Editor of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for *26*
consecutive weeks, commencing with the issue
dated *2-17* 19*78*, and ending
with the issue dated *June 16*, 19*78*

Henry J. Thompson
Subscribed and sworn to before me

this *27th* day of *Oct*
19*78*.

Henry J. Thompson Notary Public

Cost of Publication *11.00*

Notary Fee *1.00*

Total Cost *12.00*

NOTARY PUBLIC RECORD
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1979

78-398

NOTICE OF CLAIM TO A WATER RIGHT No. 45-4072

NOTICE IS HEREBY GIVEN that
Kenneth Sherfey, Oakley, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 0.03
cubic feet per second of water
from Unnamed Spring (Warm
Spring) with point of diversion in
the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Twp. 14
S., Rge. 22 E., B.M., County of
Cassia.

The water is claimed to be used
from Jan. 1 to Dec. 31 with a
priority of May, 1962; the place
of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 21, Twp. 14 S., Rge. 22 E.,
B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho, 83301.

C. Stephen Allred
Director

Published in the South Idaho
Press on September 19 and 26,
1978.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 12, 1978

Mr. Kenneth Sherfey
Box 144
Oakley, Idaho 83346

Re: Claim to a Water Right No. 45-4072 -

Dear Mr. Sherfey:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by Herman E. Bedke in behalf of Reed Whiteley and Winslow B. Whiteley. The following is a quote from the provisions under which this claim has been filed (section 42-225b, of the Idaho Code):

42-225b. Recording of claims by Department ---Corrections-----

At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED

NIELSON & BEDKE
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 240
1734 OVERLAND AVENUE
BURLEY, IDAHO 83318

NORMAN H. NIELSON
HERMAN E. BEDKE

AREA CODE 208
TELEPHONE 678-5574

October 10, 1978

RECEIVED

OCT 22 1978

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

Department of Water Resources
Southern District Office

Dear Sir

Re: Claim to a Water Right No. 45-4072

Enclosed please find a Protest to Claim of Right on the
above water right on behalf of Reed Whiteley and Winslow B.
Whiteley.

Yours truly

NIELSON & BEDKE

By Herman E. Bedke
Herman E. Bedke

HEB:lw

Enclosure

RECEIVED

RECEIVED

OCT 16 1978

Department of Water Resources
Southern District Office

PROTEST TO CLAIM OF RIGHT

Kenneth Sherfey, #45-4072

STATE OF IDAHO)
County of Cassia) ss

REED WHITELEY, first being duly sworn, deposes and says:
That he is one of the owners of the land on which the waters claimed by Kenneth Sherfey are situated. That Kenneth Sherfey has absolutely no right, title, or interest in and to that said water as set out in his claim. That the waters are owned by Winslow B. Whiteley and the affiant, Reed Whiteley, as heirs of Earl Whiteley and any of the waters claimed are the private water rights of the affiant and Winslow B. Whiteley and are not subject to appropriation by anyone else as the water arises on the lands owned by said affiant and does not flow off of said land.

That Kenneth Sherfey, the Claimant, purchased the land from J. J. McLaws and J. J. McLaws obtained permission from the affiant and Winslow B. Whiteley to pipe the water to the land for stock water purposes. That such permission was in the form of a revocable oral license and the use that has been made of the water since that time has been permissive use only from the owners thereof. Such permissive right was only for the overflow of said affiant's tanks. That Kenneth Sherfey was aware of the permissive use of the water at the time he purchased the land. That prior to the time that the water was piped, J. J. McLaws obtained water from the Village of Oakley pipe for culinary uses and such water is still available. That the Claimants own actions refute his claim of water right as he attempted to appropriate prior hereto the same water by Application #47-7350 which the affiant protested.

DATED this 10 day of October, 1978.

Reed Whiteley
Reed Whiteley

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SUBSCRIBED AND SWORN TO before me this 10th day of
October, 1978.

Loa Dee Thurston
Notary Public for Idaho
Residing at Burley, Idaho

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

DEPARTMENT OF WATER RESOURCES
STAFF ANALYSIS - CLAIM TO A WATER RIGHT

<u>Item</u>	<u>Initial</u>	<u>Date</u>	<u>Claim No. 45-4072 - Kenneth Sherfey</u>
			☒ Name, Address, Telephone
			☒ Source
			☒ Quantity, Purpose, Period of Use
			☒ Priority (Year & Month)(Day Optional)
			☒ Point of Diversion
			☒ Description of Diverting Works
			☒ Place of Use
			☒ Map
			☒ Signature
			☒ Notarized
			☒ Fee
(1)	<u>OP</u>	<u>8-31-78</u>	In Form To Receipt
(2)	<u>PH</u>	<u>9-13-78</u>	In Form For Advertising
(3)	<u>PH</u>	<u>10-3-78</u>	Exceptions Filed: Yes _____ No ☒
(4)	_____	_____	Copy To Boise <u>55</u>

MICROFILMED

cc/ sent to Laine 9/7/78



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 3, 1978

Mr. Kenneth Sherfey
Box 144
Oakley, Idaho 83346

Re: Claim to a Water Right No. 45-4072

Dear Mr. Sherfey:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact us.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

checked
LH

NOTICE OF CLAIM TO A WATER RIGHT

NO. 45-4072

Notice is hereby given that Kenneth Sherfey

Oakley, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.03 cubic feet per second ~~acre feet per annum~~

of water from Unnamed Spring (Warm Spring)

with point of diversion in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 27 Twp. 14S Rge. 22E B.M., County of Cassia

Cassia

The water is claimed to be used from Jan. 1 to Dec. 31

with a priority of May, 1962;

the place of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, Twp 14S

Rge. 22E

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 ~~pp. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~

C. Stephen Allred

Director

Published in the South Idaho Press

on Sept. 19 and Sept. 26, 1978

RECORDED

78-398

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 48-8072

NOTICE IS HEREBY GIVEN that
Kenneth Sherfey, Oakley, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 0.03
cubic feet per second of water
from Unnamed Spring (Warm
Spring) with point of diversion in
the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Twp. 14
S., Rge. 22 E., B.M., County of
Cassia.

The water is claimed to be used
from Jan. 1 to Dec. 31 with a
priority of May, 1962; the place
of use is within the S $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21, Twp. 14 S., Rge. 22 E.,
B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho, 83301.

C. Stephen Allred
Director

Published in the South Idaho
Press on September 19 and 26,
1978.

September 7, 1978

South Idaho Press
Box 190
Burley, Idaho 83318

Re: Claim to a Water Right #45-4072 - Kenneth Sherfey

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

Bill submitted: _____