

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: A29-02178
Date Received: 4/20/1990
Receipt No: EQ13414
Received By: AMS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE B. WESTON 307-877-6109
Address: BOX 45
COKEVILLE, WY 83114
OR
Name: MARIE WESTON 307-877-6189
Address: SAGE STAR ROUTE
SAGE, ID 82901

2. Date of Priority: APR 13, 1914

3. Source: ASPEN CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	17	NE	NE	NW		BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			0.670		
DOMESTIC					

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 30 CATTLE



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	8	NE	NW		IRR	20.0
			SE	NW		IRR	20.0
						Section Acres	40.0
						Total Acres	40.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-00348A

14. Remarks:
SOURCES ARE QUAKENASP CK. & SPRINGS.
ASPEN CK. KNOWN LOCALLY AS QUAKENASP CK.

15. Basis of Claim: LICENSE
Water Right Number: 10115

Dale B Weston Date: April 20, 90
Date:

State of Idaho)
County of *Bonneville*) SS.

his 20th day
Allen Wray
 Notary Public

Seal

Idaho Falls

5/29/1991

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-02178	12S	37E	17		NE	NW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
29-08143

SOURCE: ASPEN CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02178	12S	37E	27		SE	SW			BANNOCK		
29-02178	12S	37E	28		SW	SE			BANNOCK		
29-02178	12S	37E	28		NW	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-02174
29-02175
29-02176
29-02177
29-02187

A29-02174 29-11808
A29-02176
A29-02177
A29-11182
A29-11808

SOURCE: ASPEN CREEK
SPRINGS

TRIB: MARSH CREEK
ASPEN CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(____) N(____)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(____) N(____)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP. 12S	RGE. 37E	SEC. 17	1/4	1/4 NE	1/4 NW	LOT	POD FLAG	COUNTY BANNOCK	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

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SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A29-02178

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	8	NE	NW		WESTON, MARIE	A29-02178 / 20.0	- /		27.0	
			NE	NW		VAUGHAN, DONNA	A29-00348A / 10.0	- /			
			NE	NW		WESTON, MARIE	A29-11588 / 20.0	- /			
			NE	NW		VAUGHAN, HAROLD		29-08143 / 30.0			
12S	37E	8	SE	NW		WESTON, MARIE	A29-02178 / 20.0	- /		24.0	
			SE	NW		VAUGHAN, DONNA	A29-00348A / 20.0	- /			
			SE	NW		VAUGHAN, HAROLD		29-08143 / 20.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-02178	40.00	51.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-02178	ASPEN CREEK	WESTON, MARIE	0.670	0.016		
A29-00348A	CHERRY CREEK	VAUGHAN, DONNA	3.800	0.020		
A29-11588	SPRINGS	WESTON, MARIE	0.880	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-00348A

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

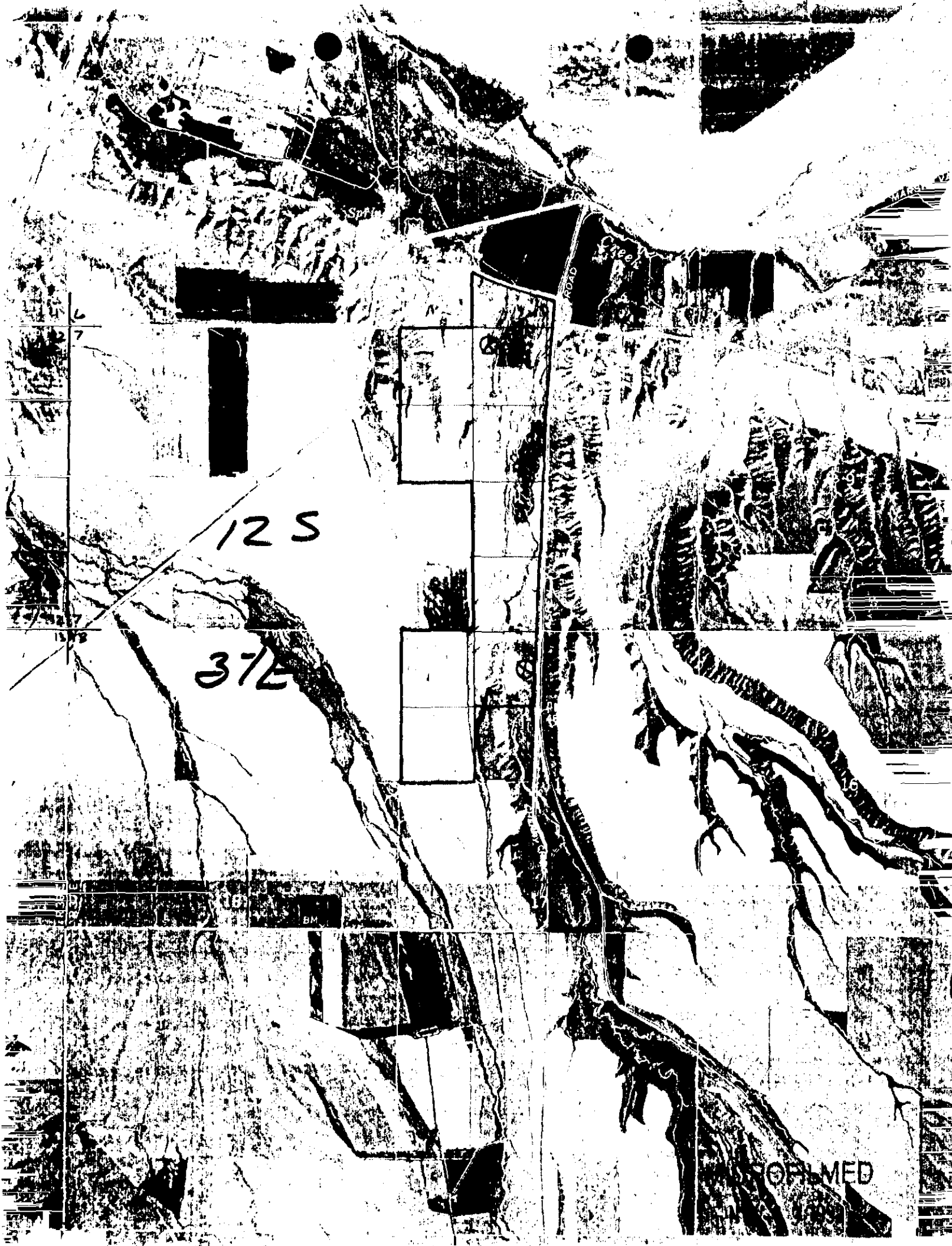
() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: _____

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A()

REVIEWED BY: _____ DATE: _____



HO FILMED

Log for claim A29-02178

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	8	NENW	20	19	
12s37e	8	SEnw	20	13	
Totals:			40	32	

Stream: Quakemass Creek
Amount: $2/3$ of 1 cu. ft. per sec.
Use: Irrigation and domestic.
Priority: April 13, 1914.

STATE OF IDAHO

Water License No. 10115

WHEREAS, On the 11th day of April, A. D. 1914,

T. M. Barnes

of Downey, County of Bannock, State of Idaho, duly made application (No. 15035) to me for a permit to use $2/3$ of 1 cubic foot per second of the waters of Quakemass Creek and two unnamed springs

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 22nd day of April, A. D. 1914, Permit No. 10115 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 22nd day of October, A. D. 1914 and for the application to beneficial use of said water on or before the 22nd day of October, A. D. 1914, and,

WHEREAS, On the 28th day of August, A. D. 1914,

T. M. Barnes

the holder of said permit, duly made proof of the completion of adequate works for the diversion of $2/3$ of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10115 dated September 4, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use $2/3$ of 1 cubic foot per second of said water, with date of priority of April 11, 1914, and

WHEREAS, On the 24th day of October, A. D. 1914,

T. M. Barnes

the holder of said permit, duly made proof of the application to beneficial use of $2/3$ of 1 cubic foot per second of said water;

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to T. M. Barnes

of Downey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 10115, a perpetual right, dating from April 13, 1914 to the use of $2/3$ of 1 cubic foot per second of the waters of Quakemass Creek and two unnamed springs,

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted from Quakemass Creek in the SW $_{1/4}$ of SW $_{1/4}$, Sec. 27; from spring #1 in the SW $_{1/4}$ of SE $_{1/4}$ and from spring #2 in the NW $_{1/4}$ of SW $_{1/4}$, Sec. 28, all in T. 12 S., R. 37 E.B.M.,

and conducted to and upon 40 acres divided as follows: 20 acres in the NW $_{1/4}$ of SW $_{1/4}$ and 20 acres in the SW $_{1/4}$ of NW $_{1/4}$, Sec. 8, T. 12 S., R. 37 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of October A. D. nineteen hundred and Fourteen.

Herbert Wing,

APPLICATION FOR PERMIT
To appropriate the Public Waters of the State of Idaho

1. Name of applicant: T. M. Barnes

Postoffice address: Downey

County: Bannock

State: Idaho

- I. If applicant is a corporation, give
- (a) Date and place of incorporation;
 - (b) The amount of capital stock;
 - (c) The amount paid in;
 - (d) Names and addresses of directors;

- II. The financial resources of the applicant are: (a) Cash on hand;
(b) Treasury stock; (c) Bonds to be issued;
(d) Other resources.

2. The quantity of water claimed is $2\frac{2}{3}$ cubic feet per second.

3. Source of water supply: Quakenarp Creek and two unnamed springs (Remark 3)

4. Location of point of diversion: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 27; the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 28 and NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 28, all in T. 12 S. R. 37 E. S. 10 E.

County of Bannock

5. To be used for: Irrigation and domestic purposes.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 40 acres.
(b) In the following legal subdivisions: E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ all in Sec. 8, T. 12 S. R. 37 E. S. 10 E.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream?
return.

[d] If so, name stream and locate point of

6. Estimated cost of works: \$100

7. Description of works for diversion:

I. Kind of works: Ditch

II. Dimensions of works:

[a] Height of dam 0 feet, length of dam at top 0 feet,
length of dam at bottom 0 feet. Material used in construction: none

[b] Capacity of reservoir 0 acre feet. (c) Size of headgate, width 0 feet,
Height 0 feet. (d) Conduit ditch width at bottom 2 feet,
width at water line 3 feet, depth of water $2\frac{2}{3}$ feet; diameter of pipe

0 inches; average grade per mile is 25 feet. Length of conduit is $4\frac{1}{2}$ miles,
and it crosses the following quarter sections: SW $\frac{1}{4}$ of Sec. 27, the S $\frac{1}{2}$ of Sec. 28, the
E $\frac{1}{2}$ of Sec. 29, the W $\frac{1}{2}$ of Sec. 20 the W $\frac{1}{2}$ of Sec. 17 and the SW $\frac{1}{4}$ of Sec. 8,
all in T. 12 S., R. 37 E. S. 10 E.

8. The time required for the completion of the construction of such work is 0 years.

9. Time required for the complete application of the water to the proposed use is 0 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

T. M. Barnes

Applicant.

By R. H. Palmer

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. April 11, 1914

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10115

Recorded in Book 34

Page 10115

Approved April 22, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before June 21, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 22, 1914

The whole of said work to be completed on or before October 22, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before October 22, 1914.

Witness my hand this 22nd day of April, 1914.

F. P. KING,

State Engineer.

Remarks: The two unnamed springs are located on government land. The work on this project has been completed and water has been used for some time.

The fact that the ditch is a party ditch accounts for its large size.

Remark No. 3 4/9 sec. feet is claimed from Quakenasp Creek,
4/27 sec. ft. is claimed from unnamed spring in SW $\frac{1}{4}$ of Sec. 28 and
2/27 sec. ft. is claimed from unnamed spring in SE $\frac{1}{4}$ of Sec. 28, all
in T. 12 S., R. 37 E. B. M.

Proof of Completion of Works made August 28, 1914.

Certificate of Completion of Works issued September 4, 1914.

Permit No. 10115

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that T. H. Barnes of Downey, County of Bannock, and State of Idaho, the holder of Permit No. 10115, issued upon Application No. 15025 bearing date of priority of April 11, 1914, authorizing the diversion of $2/5$ of 1 second foot of the waters of Quakemasp Creek and two unnamed springs. $4/9$ sec. ft. from Quakemasp Creek, $1/27$ sec. ft. from unnamed spring in SW $1/4$ of Sec. 28, and $2/27$ sec. ft. from unnamed spring in SE $1/4$ of Sec. 26, all in Tp. 12 S. R. 37 N.B.M., County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use $2/5$ of 1 second-foot of the waters of Quakemasp Creek and two unnamed springs; that the point of diversion of said waters is at a point in the SE $1/4$ of the SW $1/4$ Sec. 27, SW $1/4$ of SE $1/4$ of Sec. 28, and the NW $1/4$ SW $1/4$ Sec. 26, all in T 1 . 12 S. R. 37 N.B.M., and that the lands proposed to be irrigated by the use of said water are described follows, to-wit: E $1/2$ of the NW $1/4$ of the SW $1/4$ and the E $1/2$ of the SW $1/4$ of the NW $1/4$ all in sec. Tp. 12 S. R. 37 N.B.M., containing 40 acres.

Witness my hand this 4th day of September, A. D. 1914.

P. P. King,

State Engineer of the State of Idaho.

REC-112
P. P. King

REPORT OF ENGINEER

1. State name of applicant and number of permit: T.M. Barnes Per No 10115
2. State source of water supply: Quakenasp Creek and two Un-named Springs
3. Location of point of diversion: SE 1/4 SW 1/4 Sec 27 - SW 1/4 SE 1/4 Sec 28
N.W. 1/4 SW 1/4 Sec 28 T12S R37E Thence into Cherry Creek
then diverted from Cherry Creek in NW 1/4 NE 1/4 Sec. 29 Same T & Range.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

They are

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 2 feet
- (b) Width at water line: 3 "
- (c) Depth of water: 7/8 "
- (d) Grade per mile: 20 "
- (e) Capacity of ditch: About 3 second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

It has to capacity

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty acre tract: 20 acres NW 1/4 SW 1/4 20 SW 1/4 N.W. 1/4 T12S R37E 8M

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

RECEIVED

SEP 5 1914

OFFICE OF STATE ENGINEER

Examined Sept 27 - 1914

T.M. Barnes

STATE OF IDAHO,

County of _____

} ss.

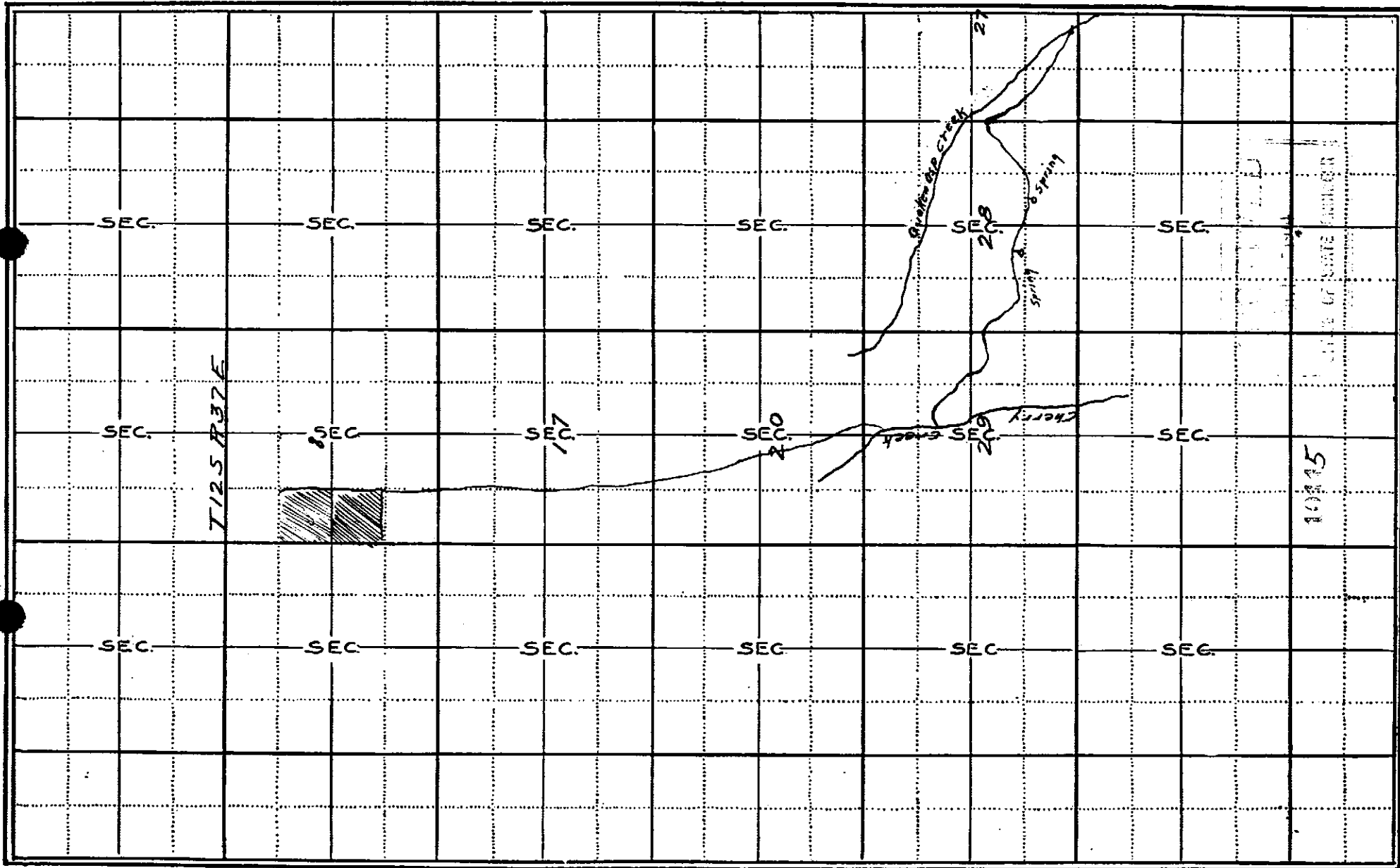
_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

10115 Notary Public.

Name of Applicant *T.M. Barnes* Per. No. *10115*



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARIE WESTON SAGE STAR RT SAGE WY 82901 (307) 877-6189	04/13/1914	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.670 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.670 CFS	100.00 AFA
C	DALE B WESTON BOX 45 COKEVILLE WY 83114 (307) 877-6109					

Stage: LICENSE

BANNOCK County

										NE				NW				SW				SE														
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
12S	37E	8	:									:							:							:									:	40.0
													20																						:	40.0
																												TOTAL ACRES				:	40.0			

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00348A A29-11588

Audit: 04/20/90 DUNN 06/02/94 COX 03/29/95 POST-STD 04/13/00 CVANDERM